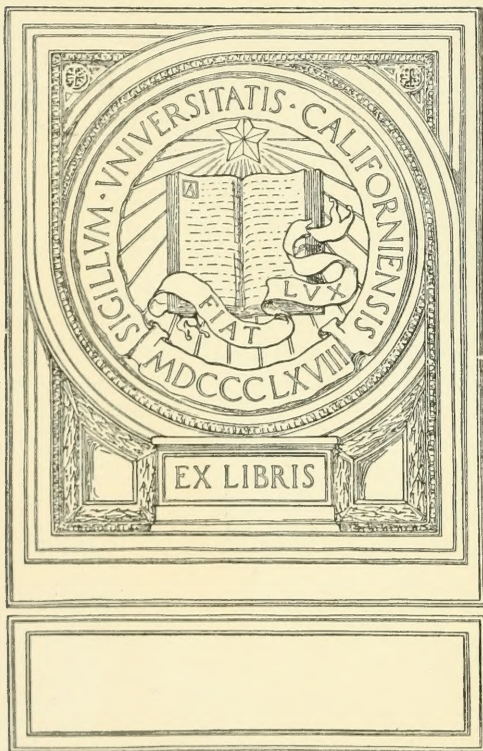




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*A HISTORY OF THE ISLE OF MAN*





A  
HISTORY  
OF  
THE ISLE OF MAN

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WITH  
A NEW MAP OF THE ISLAND

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## BOOK IV

*FROM THE REVESTMENT  
TO THE RENEWAL OF HOME RULE*



## CHAPTER I

### THE ENGLISH ADMINISTRATION OF THE ISLAND

THE immediate effect of the changes brought Introductory.  
about by the Revestment was certainly the reverse of beneficial to the interests of the Isle of Man.\* The hereditary lords, whose reign had now come to an end, were no doubt far from being model rulers. Their policy may often have been tyrannical or unwise, or influenced by motives of self-interest. But, at any rate, most of them had, to a greater or less extent, taken a personal share in the government of the island, and interested themselves in the well-being of its inhabitants. But when their place at the head of the Manx State was taken by the King of England, the whole direction of its affairs was handed over to officials, for the most part connected with the Treasury, who regarded the island as a pestilent nest of smugglers, from which it was their duty to extract as much revenue as possible, but for which they were under no obligation to do any-

\* See Chap. II. § 2.



thing. In the records of the first twenty-eight years after the Revestment there can scarcely be found an indication, on the part of the English Government or its representatives, of anything like concern for the prosperity of this portion of the sovereign's dominions.

In the year 1793, however, a step was taken which opened the way to a more favourable state of things. The Duke of Atholl was made governor of the island. This appointment, which practically amounted to a partial renewal of the ancient lordship, seems to have been made partly in the hope that it would put an end to the persistent efforts of the duke to obtain from the Government increased compensation for the enforced surrender by his family of their ancient sovereignty, and partly because it was thought that the Manx people might prove more amenable under his control than under that of the Treasury officials. If the Government really hoped by this means to appease the restless ambition of the duke, they must soon have discovered that they had been grievously mistaken. On the other hand, as a means of reconciling the islanders to English rule, and in the interests of the people themselves—though that consideration seems hardly to have entered into the thoughts of those in authority—the appointment was, on the whole, a fairly successful one. The career of the fourth Duke of Atholl, and his struggles with the people of Man on the one hand, and with the English Government on the other, in defence of what he

deemed to be his hereditary rights, form an important part of Manx history during this period, and deserve to be related at some length. It has already been stated that the *Revesting Act*, while depriving the Duke of Atholl of his political dominion over the the Isle of Man, left him in undisturbed possession of the rights and privileges, in themselves by no means inconsiderable, which he enjoyed in virtue of his position as manorial lord. But it was not always easy to determine whether some of the rights formerly exercised by the Atholls had belonged to them as sovereigns or as manorial lords; and, after the Revestment, the manorial lord was in a much less favourable position than before for enforcing his demands. It is, therefore, not surprising that the third duke and his wife found reason to complain of encroachments on the part of their former subjects; and they also considered themselves severely wronged by the insufficient amount of compensation awarded to them by the English Government. They did not, however, make any practical effort to obtain redress of their grievances. But their son, who succeeded to the dukedom in 1774, immediately gave evidence of his uncompromising determination not to sacrifice the smallest fraction of what he considered to be his rights. His first step was to endeavour to exact from the Manx people certain manorial dues which had ceased to be paid since 1765. The islanders strenuously resisted, and, moreover, assumed the aggressive, in 1776, by passing an Act for the

Effect of the  
*Revesting Act.*

The duke is  
attacked by  
the Tynwald  
Court.

repairing of highways, draining fens, making boundaries, and preventing trespasses,\* all matters which affected the duke as manorial proprietor. In 1777, another blow was aimed at his influence by the exclusion of the ecclesiastical officers from the Council, on the ground that, since the duke no longer had sovereign power, his nominees had no right to the same privileges as the other officers who were the nominees of the Crown. In this year several Acts directed against him were passed. One of these confirmed the *Act of Settlement*,† though the duke protested that he had no intention of interfering with it; another deprived him of the payment of herrings and carriage of turf,‡ formerly contributed by the fishermen and tenants respectively for the use of the garrisons and the civil officers,§ which, though both the garrisons and the officers ceased to be his family's in 1765, he claimed as due to him; a third regulated weights and measures,|| the control of which he considered to be one of his prerogatives, and a fourth abolished the Great Enquest,¶ the continuance of which he declared was absolutely necessary for the preservation of his property. This legislation, though the duke protested against it, received the royal assent, but Bills for "the settlement of the Lord's Manor Courts and his Manorial Rights and Interests," and for raising

\* *Statutes*, vol. i. pp. 297-304.

† *Ibid.*, pp. 306-320.

‡ *Ibid.*, vol. i. p. 305.

§ For explanation of these payments, see pp. 318-20.

|| *Statutes*, vol. i. pp. 330-31.

¶ *Ibid.*, p. 337.

money for expenditure on public buildings, &c., were rejected, the first as being unfair to the duke and the second as an invasion of the Royal prerogative.\* Irritated by these proceedings, the duke, in 1780, brought a Bill into Parliament, the objects of which were to restrain the alienation of lands without his consent; † to compel the deposit of all title-deeds with his seneschal, who was to be *ex-officio* a member of the Council; to re-transfer to himself certain services and rights of which he considered himself to have been unjustly deprived by the Crown at the Revestment; to prohibit the erection of mills without his licence, and to authorize his servants to enter the houses of all persons to search for dogs and guns and anything that might be used for the destruction of game. This Bill was reported against by the attorney and solicitor-general of England, and by Sir W. Busk, the attorney-general of the island, and was consequently withdrawn.‡ Undaunted by this repulse, in the following year the duke petitioned Parliament again, asking for leave to introduce a Bill to amend the "Revesting Act." This was opposed by the Government on the grounds that the income of the Atholl family mainly arose

The duke's counter attack.

He tries to amend the *Revesting Act*.

\* Commissioners' Report, Appendix (D), No. 34.

† For discussion of this question, see Book VII.

‡ The Keys sent a deputation to London to oppose the Bill, which would have revoked important provisions in the *Act of Settlement*, and would have given the duke, through his official, the seneschal, greatly increased powers over the land. In 1783, another petition appeared in the Journal of the House of Commons, but no steps were taken on account of it.

from the import duties paid by smugglers, and that it was highly improbable that the Tynwald Court would have voted additional taxation merely for the sake of increasing the ducal revenue. It was also opposed by the Keys, whose speaker, Sir G. Moore, together with John Cosnahan,\* gave evidence against it at the bar of the House of Lords, contending that the island, not the duke, ought to have the benefit of the surplus revenue, and that the Bill contained many provisions contrary to the constitution of the island and injurious to its inhabitants. It, however, passed the Commons, but reached the Lords at too late a period in the session for its full consideration.† The duke seems to have been alarmed by the opposition to his claim both in Parliament and in the island,‡ as he desisted from pressing

\* Then an M.H.K.; afterwards High Bailiff of Douglas, and finally deemster.

† Parliamentary Register, vol. xxi. p. 348, quoted in *The Land of Home Rule*, p. 223. The duke seems to have chiefly objected to the loss of the herring custom, or payment of herrings. He gave evidence, and cross-examined both Sir G. Moore and John Cosnahan. His advocate urged the importance of making a law that deeds of all sorts should be entered in the Lord's Courts, and he pointed out that the duke's right to game was quite defeated by the provision that leave to shoot it could be granted by the governor because he was the "King's Governor" (Pamphlet, dated 1783).

‡ In 1788, he wrote as follows to his tenants: "I am so far from having any design of disputing the rights of any of my tenants that hold any property or estate . . . that if any person whatsoever should think his estate not sufficiently secured under the Act of Settlement, I am willing and ready to give any further security that can be advised or thought necessary" (*Lib. Vast.*).



it till 1790, when General Murray moved for leave to bring in a Bill for appointing commissioners to enquire into the extent and value of certain rights, revenues, and possessions in the Isle of Man.\* The Government was in favour of the Bill, which, however, was strongly resisted by the Opposition. John C. Curwen, M.P., who was also a member of the House of Keys, said that the duke had promised the House of Keys, in 1787, that he would never introduce any Bill respecting the island into Parliament, without giving them previous notice, but that, in this case, no such notice had been given; and he asserted that he could prove from authentic documents that the allegations made by the duke were utterly unfounded. The Keys petitioned against the Bill, and were heard by counsel, one of their own members, John Cosnahan, again appearing for them.† It was, nevertheless, read a second time, and the House of Commons subsequently decided on going into committee upon it.‡ But the feeling against the Bill was so strong that the Government thought it wise to withdraw it. Pitt, consequently, said that “notwithstanding his full conviction of the propriety, and even necessity, of proceeding with such a measure, yet, after the unfavourable impres-

\* Parl. Register, vol. xlv. p. 307 (*Land of Home Rule*, p. 224).

† He and Norris Moore had been sent as a deputation to London by the Keys. Cosnahan made an able and brilliant speech at the Bar of the House.

‡ Parl. Register, vol. xlv. pp. 385–395 (*Land of Home Rule* p. 224).

n 1791 a  
Commission is  
appointed to  
enquire into  
the matters in  
dispute.

sion which had gained ground upon the subject, he should think it in no degree prudent to attempt to push the Bill further at present." \* Being thus baffled in Parliament, the Duke, in the following year, petitioned the King in Council to appoint a Commission, which was accordingly done. Before this Commission he made the following allegations:—

1. That the revenues were not fairly collected, even prior to the Revestment.

2. That he had the power of increasing the duties with the consent of the Legislature, and that such consent, to any reasonable degree, would not have been withheld.

3. That his sovereignty over the ports and over Peel island, with its castle, had, with a view of preventing smuggling, been unnecessarily vested in the Crown.

4. That the herring custom, the salmon-fishing dues, the proceeds of Treasure Trove, and the right of free carriage † which belonged to him had been so dealt with that he was unable to enforce his right to them.

5. That the value of his "unappropriated lands" had been injured by the action of the insular Legislature.

He urged that he ought to have sufficient authority to prevent his property from being in-

\* Parl. Register, vol. xlv. p. 561.

† *I.e.*, the free conveyance of turf and other articles by the tenants.

jured, and he denounced the passage of laws secretly,\* without either his knowledge or that of the people. The Keys, on the other hand, objected to the Bills passed by the Tynwald Court being prevented from becoming law by the duke's influence.† They, therefore, protested against the clause of reservation‡ in the Act of 1765 which, they declared, had created “a sort of *imperium in imperio*,”§ and had “produced the dissensions and animosities that at the present moment distract and enflame the inhabitants of the island, and disturb and embitter their small society.”§

To the duke's allegations the commissioners replied as follows:—

The commissioners reply to the duke's allegations.

1. That owing to the “defective system which appeared in evidence to have been established for collecting the duties, . . . the Lord's revenues were not fairly collected, or paid, prior to the Revestment.”||

2. That there was no doubt the lord had the power of increasing duties, but it was not probable that the Tynwald Court would have consented to his doing so “without an equivalent.”¶ As regards

\* See Appendix A.

† In 1788, he received a letter of thanks from some of the Manx people for doing this.

‡ *I.e.*, of manorial rights, &c.

§ Commissioners' Report, Appendix (A), No. 43.

|| Report, p. 7.

¶ *Ibid.*, p. 10, *i.e.*, if the Tynwald Court had agreed to increasing the duties, it would not have consented to the duke taking the whole of the resulting surplus.

the third and fourth allegations, they broadly agreed with the duke's views, but they pointed out with reference to the various items of Treasure Trove, such as wrecks, boons and services, game and unappropriated lands, that he had sufficient protection from the ordinary courts of law, and, as to the fifth allegation, they induced the Keys to give an undertaking which satisfied him. They also persuaded the Keys to promise that they would "concur with the Governor and Council in passing an Act of Tynwald, to render public every intended new law," \* and that a copy of every Bill should be delivered to the duke or his agents; also that they would give the duke "every reasonable and necessary relief he can possibly require, with respect to the protection and regulation of his . . . manorial rights." † In consequence of this promise, the commissioners considered that they had no need to proceed further in this part of their enquiry; but they remarked that the "secrecy with which laws, materially affecting the inhabitants, were passed, furnished, no doubt, a just ground of complaint," ‡ and they decided that those provisions in the laws of 1777 which were "very generally allowed to have been either hurtful or ineffectual" § should "undergo a legislative revision." § These suggestions were accordingly carried out by the Tynwald Court. "Technically," says Walpole, "the decision of the commissioners was in the Duke's favour; but at

\* Commissioners' Report, App. (A), p. 21.

† *Ibid.*, p. 22.

‡ *Ibid.*, p. 85.

§ *Ibid.*, p. 86.

the same time the examination of his claim must have convinced every one that the pecuniary value of the rights of which he may have been unnecessarily deprived was very small." \* The most valuable among them were the herring customs, worth about £112 per annum,† and the right of free carriage, worth about £130 per annum.‡ And, moreover, even admitting that he had been deprived of certain rights unnecessarily, there can be no doubt that the duke's parents had been under no misapprehension about the sale of these rights, seeing that they were specified in the Act. Under these circumstances, the Government did not venture to take any action about the duke's claims, but it gave him the upper hand over his adversaries by making him governor, whereby he was practically invested with all the civil patronage in the island, in addition to nearly all the ecclesiastical patronage, which he had before, together with a veto upon all legislation. This greatly embittered the Keys, who, in 1798, when sending their subscription towards the national defence, took the opportunity of protesting against "an influence equally unjust and impolitic, which unfortunately for their country" they were "unable to remove." § With the people the duke was for a time popular. This was due, in the first place, to his having denounced the Keys

Action of the  
English  
Government.

The position of  
the duke after  
1793.

\* *The Land of Home Rule*, pp. 226-7.

† Commissioners' Report, Appendix (A), No. 28.

‡ *Ibid.*, p. 18.

§ Feltham (*Manx Soc.*, vol. vi. p. 131).



He applies for  
additional  
compensation  
in 1801,

for passing laws secretly, and also to his actions in getting the embargo on the importation from Great Britain of coal, grain, &c., removed, in 1795, and in inducing the Crown to protect the Manx fishermen from being impressed for the Royal Navy.\* In 1801, the increase of the revenue encouraged him to address a further petition to the King in Council for some additional compensation. The Keys promptly presented a counter petition in the same quarter. Both of these were referred to a committee of the Privy Council, who handed them on to the law officers of the Crown. Their report was adverse to the duke's claim, being, like previous similar reports, to the effect that the revenues of the island before the Revestment were mainly derived from the illicit traffic. The opinion of the Crown lawyers was endorsed by the Privy Council, on the 31st of March, 1804. The duke then asked that the report might be suspended till he had prepared a supplementary petition, praying that a clause or clauses might be introduced into the forthcoming Revenue Bill of the island, granting to him and to his heirs some further share of the insular revenue. This petition was again referred to a committee of the Privy Council, which, without again taking the law officers' opinion, recommended that further compensation should be given. This reversal of their previous decision was, Walpole thinks, the result of the influence of Pitt, who had resumed office on

\* MS. letter of Governor Shaw's, March 11, 1795; also Appendix A.

the 15th of May.\* The duke accordingly, in March, 1805, presented a petition to the House of Commons praying that provision might be made in the Bill referred to, which was then before the House, for giving him relief in respect of the inadequate compensation paid in 1765. When the contents of the petition became known in the island there was much agitation against it. In consequence of this, the duke addressed a letter to "the Gentlemen of the Keys, the Landholders, the Merchants and Inhabitants of the Isle of Man," protesting that "in asking of Parliament for a further compensation out of the existing revenues of the Isle of Man, rather than from any other fund," he was "actuated by an ardent wish to link the prosperity of the Island with his own;" † that it would afford him the means of residing in the island, and that such residence would enable him to bring forward measures for the improvement of Manx agriculture, fisheries, manufactures, and trade. These allegations were received by most of the Manx people with incredulity, and the Keys promptly sent a deputation to London which presented a petition to the House of Commons against the granting of any further compensation to the duke. On the other hand, a deputation from the principal merchants presented a counter petition to the House of

\* *Land of Home Rule*, pp. 230-1.

† It was certainly a curious way of obtaining such an end. The letter was printed as a "broadside," dated April 10, 1805, which was posted on the walls, &c., in the island (see Appendix C).

Commons, in which they referred to him as "the warm, the active, and the only powerful friend of the Island." \* These petitions were referred to a Committee of the House, which recommended that the duke's request should be granted.† A Bill was consequently introduced providing that he should be paid "one fourth part of the gross annual revenue arising from the duties of customs now existing within the Isle of Man," ‡ and, notwithstanding the strenuous resistance of John Christian Curwen and others, it was passed in the Commons. It was also vigorously opposed in the House of Lords by Lord Ellenborough, who declared that the transaction was "one of the most corrupt jobs ever witnessed in Parliament," § and that the manner in which the claim had been pressed was "a proceeding which could only be sanctioned by Parliament in the worst and most corrupt times." § This Act gave the duke a direct interest in increasing the insular customs duties. The use that he made of this position,|| together with his policy of appointing Scots, connected with or depending on his family, to most of the paid offices in the island, gradually alienated his adherents among the natives. Between 1805 and 1815, he seems to have only paid three

And succeeds  
in obtaining it.

\* Letter of Messrs. Bridson and Stowell (Pamphlet, p. 7).

† For their report about the revenue at this time, see Chap. II. § 4.

‡ 45 Geo. III. c. 13.

§ Parl. Deb., vol. v. pp. 776-78 (*Land of Home Rule*, p. 230).

|| The one-fourth of the customs duties was commuted for £3,000 a year.

short visits to the island, and, between 1815 and 1821, he did not visit it at all. In the latter year he again rendered himself acceptable to the people \* by opposing the attempts of the Keys to prevent the free importation of foreign grain, and, in 1822, when sitting in the Tynwald Court, he greatly delighted them by referring to its lower branch as "a self-elected body, in the choice of which the people of the Island have not the smallest share," † and by asserting that "they were no more Representatives of the people of Man, than of the people of Peru." ‡ Such language did not tend to conciliate the Keys, who protested against his conduct to the Home Secretary,§ but without any result. The duke, however, saw that he had gone too far, and therefore, at Tynwald, on the 5th of July, he held out an "olive branch," † expressing a hope that all differences would cease, while the Keys agreed that they "might mutually forget and forgive." † But the truce did not last long, being put an end to, in 1824, by the expulsion of the Keys

He quarrels  
with the Keys,

\* The Keys, when protesting to the Crown against the ecclesiastical members being retained in the Council, had declared that the duke's interests "were, as a subject, often in opposition to those of the Crown and generally at variance with those of the people" (*Manks Advertiser*).

† *Manks Advertiser*.

‡ Pamphlet (1824), p. 37. "These remarks were loudly cheered by an assembled concourse of the most respectable natives and other inhabitants" (*Isle of Man Gazette*).

§ They accused him of unconstitutional conduct and of exercising "unwarrantable influence" in which "terror" was included (Keys' Journals).

And alienates  
the Council  
and the  
landowners.

from the Court of General Gaol Delivery, a proceeding which they attributed to the duke's influence. At the same time the Council was irritated by a suspicion that he had dismissed a deemster \* from his office after a secret enquiry,† and by his preventing the deemsters from sitting in the Court of Chancery; ‡ and, finally, the landowners were roused against him by the decision of the Privy Council in favour of the legality of the green-crop tithe.§ The attempt of the bishop, supported by the duke, to collect this tithe completed the unpopularity of the Atholl *régime*, and resulted in serious riots.§ Having thus both the Legislature and the people, except a few merchants, against him, his position had clearly become an impossible one, and, therefore, the desire of the Government to sever his connexion with the island and his readiness to accept the offer which enabled him to do so can cause no surprise. Judged by his actions, he was undoubtedly an able man, with views, in many respects, in advance of his time, but he was very overbearing and autocratic in his manner. Though he did not visit the island after 1826, and his manorial connexion with it was completely severed in 1829, he continued nominally to hold his office of

Estimate of  
his character.

\* In this case the deemster in question richly deserved his dismissal, and, moreover, it was not ordered by the duke, but by the Secretary of State.

† Pamphlet (1824).

‡ The duke's apologist declared that he had a right to do this.

§ See p. 661.



governor till his death in 1830. We will now briefly refer to the purchase by the Crown of his remaining rights in the island. To this end an Act \* was passed in 1825, in accordance with which arbitrators were appointed by the Treasury and the duke to ascertain the value of them. After a protracted enquiry, they arrived at the following valuation :—

Valuation of  
the duke's  
remaining  
rights.

Annuity under Act of 1805	...	...	...	...	£150,000
Lord's or quit rents and alienation fines	...	...	...	...	34,200
Ecclesiastical patronage, possessions of the religious					
houses, demesne lands, glebe lands, wastes,					
mines, quarries, services or works of tenants,					
rectories, tithes commons, forests, and all other					
rights reserved by the Act of 1765	...	...	...	...	†232,944
					<u>£417,144</u>

The first item was paid in 1826, the quit rents, &c., in 1827, the purchase being finally completed in 1828. A Bill to give effect to these sales and conveyances was introduced into the House of Commons in 1829, but was not proceeded with, probably because the Government considered that it was not necessary. But an Act † was passed to place the land revenues and other possessions thus acquired under the management and control of the department of Woods and Forests. These were treated as part of the hereditary revenues of the Crown, which George IV. and his successors, following the example of George III., placed at the disposal of

Arrangements  
about the land  
revenues.

\* 6 Geo. IV. c. 34.

† Of this the patronage of the bishopric, with 14 advowsons, was valued at £100,000.

‡ 10 Geo. IV. c. 50.

The bargain  
between the  
Crown and the  
duke  
discussed.

the House of Commons during their lives, the House making other provision \* for the Crown.† The price received by the Atholls was no doubt an exorbitant one. For the sovereignty and customs they received in all £349,600; ‡ for the patronage, which was practically of no value, £100,000; and for their landed possessions, rents, royalties, &c., £167,144.§ But, nevertheless, the Crown, or rather the English Government, made what ultimately turned out to be a good bargain, seeing that they gained from the surplus revenues of the island before 1866 more than the whole sum they paid to the duke, and, besides this, they have received excellent interest on the sum paid for the landed estates, royalties on mines, &c.¶

Description of  
the period  
1793-1826.

The restored Atholl rule between 1793 and 1826 was distinctly more beneficial to the island than the Imperial rule which immediately preceded it. Autocratic, but kindly, and, except perhaps in the appointment of his countrymen to the most lucrative positions in the island, conscientious, the fourth

\* By Act 1 Geo. IV. c. 1.

† Gell (*Manx Soc.*, vol. xii. pp. 149-152).

‡ In 1765, £46,000 for sovereignty and £24,000 for customs; annuity of the duchess from 1765 to 1804, £1,740 annually (*i.e.*, £2,000 Irish) = £69,600; £3,000 a year from the customs to the duke, her son, between 1805 and 1826 = £60,000, and £150,000 in 1826.

§ Lord's rents, £34,200; royalties, &c., £132,944.

¶ Leaving out of sight the advantage of suppressing the smuggling and the disadvantage of receiving no payment from the island for naval and military protection before 1866.

¶ See pp. 613-4, and Appendices C and D.

Duke of Atholl wielded a power which his prestige as the descendant of the ancient ruling family, his position as manorial lord, and his influence with successive English Governments, rendered all but despotic. And yet, while during the first period trade, agriculture, and fishing languished, the harbours silted up, and the public buildings decayed, they all made some progress at least during the second. This result was, we believe, mainly due to the fact that, before 1793, Manx interests were almost entirely neglected, but, after that date, though the duke quarrelled with the Keys and was unduly solicitous for his pecuniary interests, he did (somewhat spasmodically, it is true), exert himself to promote the welfare of the island.

After his departure, the English officials again resumed their sway. But they were more considerate officials than before. Moreover, since smuggling had almost disappeared, and the Manx revenue was producing a large and increasing surplus, the Isle of Man came to be regarded more favourably, and, thanks to this fact and to the exertions of the Manx people themselves in 1837, 1844, and 1853,\* it was indulged in a somewhat less stringent customs tariff and an occasional dole towards re-erecting its much neglected public works. This improvement in the state of affairs was somewhat accelerated on the arrival of the liberal-minded Governor Hope in 1846, and, to a still greater extent in 1863, by the assistance of the able and energetic

English  
officials again.

\* See pp. 605-614.

Governor Loch. Both these governors, instead of merely obeying orders from England, had the courage to assist the Manx people in their various controversies with the Imperial Government, with the ultimate result that, during the last year of this period, a measure of at least nominal "Home Rule" was obtained.\*

---

#### APPENDIX A.

"To the most puissant Prince, John Duke of Atholl, Earl Strange, Lord of Mann and the Isles.

"We whose names are hereunto subscribed your Grace's Tenants within this Isle—being given to understand that your Grace, being not unmindfull of their peculiar as well as distressfull situation—having no Representative in the Legislature of their own Country elected by themselves, nor any Representative in the Parliament of Great Britain—has been most graciously pleased—by a timely and powerfull Interposition with his Majesty's Ministers to put a stop to the Progress of some Act or Acts of Tynwald passed by the Legislature of this Isle and transmitted to his Majesty's principal Secretary of State—for raising a considerable sum of money by Taxes on the Property real and personal of your Grace's Tenants for unnecessary purposes totally unknown to the Inhabitants of this Country.

"That the mode of Taxation, and the particular subjects which were to be the object of the Act or Acts passed by the Legislature for the purposes we have mentioned are unknown to us—the *passing thereof* by the Legislature here, *being carried* on in the most private and secret manner and no person whatever being admitted to hear their Deliberations.

"That this Isle from the poverty of its soil, the Emigration of the natives to the mother country and elsewhere—its very limited Trade, the great sums annually drawn from it for Salt, Timber, Meal, Cordage, Iron, Coals, Groceries, &c., the great

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\* See p. 812.

Expense incurred in carrying on its Fisheries, every article used therein being liable to an Insular Duty, added to the peculiar unfortunate circumstance of seven-eighths of the real property within this Isle and held of your Grace, being under mortgage, would render it impossible for the Inhabitants in Gener<sup>l</sup> to pay the said Taxes and your Grace's Rents and Fines also.

"We therefore beg leave to offer to your Grace, as our natural Patron and Representative, our most humble and gratefull thanks for an Interposition so Seasonable so benevolent and unsolicited—and we beg leave to assure your Grace, that we always did, and still continue to place the highest Confidence in your Grace's Paternal Care and attention to the Inhabitants of this Isle."

(Names not given. Loose Paper in Rolls Office.)

#### APPENDIX B.

"Manxmen, We are called upon to Sign nothing *Blindly*,—that is right,—but are we to be asleep? *No!*

"A question of the greatest importance to this Country is before the British Parliament.

"Whether the Duke of Atholl shall have farther compensation for Rights sold by his Family to the Crown? I, and all of you, no doubt, thought the British Parliament were fully competent to judge of His Grace's *Claims*,—but it seems we were mistaken;—The *Honorable House of Keys* think otherwise: We must not therefore be longer Silent: Let us unite in a respectful memorial to the *Honorable House of Keys*, stating our Sentiments.

"But before Signing, let us coolly ask ourselves the following Questions:

"Are we to be Eternally at War? Is the British Parliament competent to judge of His Grace's Claims? Ought we not to rely on their impartiality and justice? Ought we blindly to oppose just and Equitable Claims? Will Parliament admit of any other? Is it the Duke's interest to oppress us? Has he ever oppressed us? Cannot we resist if he does? Who has hitherto been our Friend, and brought us the Benefits We have already received? Who got our Herring Bounties increased, continued, and put upon an Equitable footing? Who got Pro-



tections for the Fishermen? Who got us Money for Repairs of Harbours and Public Buildings? Who prevented our Fishing Boats paying Two Guineas each annually, whether they caught Fish or not? What would have become of us last Year, had we had this Tax to pay? Who prevented every Shopkeeper from paying Two Guineas annually for liberty to sell Wine and Spirits?—The Duke!—What is to become of us, should the Duke turn his Back on us? Who will step forward with equal good-will and power, to Cherish and Protect us?

“My Countrymen! think seriously on these things, while it is yet called to-day, or the Hour of Repentance may come too late.

“April 20th, 1805.”

(Printed by T. Whittam.)

#### APPENDIX C.

“To the Gentlemen of the Keys. The Land-holders, the Merchants, and Inhabitants of the Isle of Man.

“The Hereditary Descendants of your ancient Sovereigns, by His Majesty’s Grace and Favor, the Representative of the King within the Island of Man, The Territorial Lord and Natural Protector and Defender of the Rights and Interests of every Inhabitant thereof; is desirous, in the most public way to make known the whole extent of his Aim and View: It is not his desire or wish, to prevent in any degree, the Advantages which flow to the Isle of Man at this time, by Bounties on Herrings, or otherwise: *On the contrary, he wishes to increase and enlarge those Advantages.*

“He does not wish, nor has any intention to propose, the Increase of a Farthing on your existing Duties; but only to render the Importation for the Consumption of the Island more easy and expeditious.

“In asking of Parliament for a further Compensation out of the existing Revenues of the Isle of Man, rather than from any other Fund, he is actuated by an ardent wish to link the Prosperity of the Island with his own; to have the means of residing among you in a manner suitable to the Situation he fills; and by such residence, to be able to bring forward Measures for the Improvement of your Agriculture, your Fisheries, your Manufactures, and your Trade.



"One word on the Act of Settlement of 1703: If that Act is in your estimation good, say no more about it: But if any doubts exist, accept from me a full Confirmation of it in whatever mode or shape you chuse.

"Let us cordially unite in Plans for the Good and Prosperity of our nice little Island; let us row in one Boat; let us give a tight pull, and a pull altogether; *and suffer me* (in right of an ancient Lord of the Island, who, among other Princes, rowed a King of England on the River Dee, some Centuries back) *to be Stroak Oar.*

"ATHOLE.

"Portman Square, April 10, 1805."

## CHAPTER II

### SOCIAL AND ECONOMIC HISTORY, 1765-1866

#### § 1. *Condition of the People.*

IN our account of the social conditions of the period ending with the Revestment, we showed that the Manx labourers, while almost entirely restrained from leaving the island, were practically, though not legally, free to make their own bargains for wages, if they were not "yarded." A few years after the commencement of the period with which we are now dealing—viz., in 1777—yarding and all regulations and restrictions of labour were finally done away with.\* But yet, between 1765 and 1793, the condition of the labourers seems to have become worse rather than better. The temporary collapse of agriculture and trade just after 1765 † led to the departure of above a thousand of the people—for want of employment, ‡ and, again, in 1791, "numbers

Work and  
wages.

\* Though, by seemingly an unintentional oversight, the Act of 1691 relative to labour was not then repealed, and has not since been repealed, notwithstanding that the fixing of wages by justices has been illegal in England since 1813.

† See pp. 597-8.

‡ *Hildesley's Memoirs*, p. 225.

of every description were forced to migrate to other countries, and the Island seemed fast descending into that very miserable state of containing a few great Landowners\* and . . . their miserable dependents."†

Men's wages between 1765 and 1793 varied from 6d. to 8d. a day, without keep, and they got from £3 to £5 a year, with keep, while women got from 30s. to 50s. Carpenters received from 1s. 5d. to 1s. 6d. per day, and masons from 1s. 6d. to 1s. 9d.‡ After 1793, the large number of troops and other visitors in the island stimulated the demand for agricultural produce, and, consequently, for agricultural labour. Wages therefore rose, being at the end of the century from 8d. to 1s. per day for labourers, without keep,§ or £6 6s. a year, with keep. Boys got £2 2s. a year, and women 6d. a day and 8d. in harvest. But, as prices had risen somewhat more in proportion, the labourers were not as well off as before. By 1812, there was a still further increase in the nominal rates of wages, though, owing to the depreciation of the currency, the real improvement was less than the figures would seem to show. "Job" labourers got, in the towns, from 1s. 8d. to 3s. per day, and, in the country, 1s. 4d. to

Wages increase  
after 1793,

\* Those who had made fortunes in smuggling invested in land or mortgages.

† Comrs.' Report, No. 83. (Letter from Lieut.-Governor Shaw.)

‡ *Lib. Scacc.*

§ The lowest agricultural wage found by Young in England in 1781 was 4s. 6d. per week in Lancashire.

|| Feltham (*Manx Soc.*, vol. vi. p. 208).

2s.\* Farm men-servants received from £12 to £20 a year, with keep, and women-servants from £5 to £8. The regular weekly wages were, near the towns, 9s. in the winter, and 12s. in the summer; away from the towns they were 8s. in the winter, and 9s. in the summer. The labour paid for at these rates, however, seems to have been inefficient, since the farmers found it to their advantage to hire experienced Scottish labourers "at double wages."† Masons, carpenters, and quarriers, at this time, got from 2s. to 3s. 6d. a day.‡ By 1816, wages had already begun to decline, being then from £12 to £14 for men, and from £4 to £7 for women,§ while day labourers got about 1s. per week less than the wages quoted above. This was due partly to the depression in farming, and partly to the large number of Manx soldiers and sailors who had been discharged in 1815 and were competing for labour. By 1824, they had fallen further to from £10 to £12 for men, from £3 to £5 for women, and from 5s. to

And continue  
to do so till  
1816, when they  
begin to fall.

\* Quayle, p. 21, and *Lib. Scacc.* Quayle remarks that "the emission of paper money, . . . and the general displacing of coin from the circulation, have disturbed the present prices paid for labour so considerably, that the registering of them can be of little other use than as furnishing data for comparison." † Wood, p. 45.

‡ Quayle, p. 21. Dry, rough walling cost 1s. yer yard, house walling 1s. 6d. to 2s. The fees to witnesses for each day's attendance in court were fixed as follows in 1813: For loss of time, tradesmen, 1s. 9d.; tradeswomen, 1s. 2d.; labourers (men and women), 1s. 2d. Travelling allowances: Tradesmen and tradeswomen, for each parish passed through, 7d; labourers (men and women), ditto, 4d. (*Statutes*, vol. ii. pp. 304-5).

§ Bullock, p. 376.

8s. a week for day labourers.\* But, fortunately, some of the labourers possessed a cow or two, besides pigs and poultry, and they had allotments on which they raised "a great part of the food for their families."† On the whole, then, it is doubtful whether, even during the period 1793–1816, notwithstanding their higher wages,‡ and the fact that the nominal increase of prices was in part fallacious, Manx labourers were better off than before; and, between 1816, when wages fell, and 1825, it is certain that their position, in consequence mainly of the high price of bread,§ was much worse. The distress, especially in the towns, was very great, and it became a heavy tax on the resources of the charitable,|| since there was no poor law, or organized system of poor relief. Great numbers of poor people wandered over the island begging,¶ and crime, especially sheep-stealing,\*\* enormously increased.†† At last, in 1825, some alleviation of this state of things was again obtained from large emigration, and also from the constant increase in the

Condition of the labourers is at its worst between 1816 and 1825.

It is somewhat alleviated by emigration.

\* *Lib. Scacc.*

† Quayle, p. 49.

‡ They were largely paid in the local tradesmen's notes, which were at a considerable discount.

§ See Trade.

|| Quayle, p. 31.

¶ "The multitudes of beggars all over the island have become a public nuisance" (*Manks Advertiser*).

\*\* Largely in consequence of juries refusing to convict on account of the death penalty. There were, however, several executions for this offence.

†† 1824 may be approximately fixed as the date at which the Manx labourer reached his lowest depth of misery. This, according to Walpole (*History of England*, vol. v. p. 503), occurred in 1842 in England.

number of stranger residents and summer visitors,\* which caused the rapid extension of Douglas, and, to a less extent, of the other towns. In 1830, day labourers only got about 1s. a day, without keep, and farm labourers by the year, with keep, from £10 to £12.† In 1840, day labourers got from 1s. to 1s. 4d. a day, without keep, and 8d. with it, farm labourers getting from £12 to £14, and farm servant girls, £4. In the same year, joiners, masons, tailors, and shoemakers got 2s. 6d. per day, without keep, or 1s. 6d. with it. These wages, considering the lower range of prices, put the labourers in a somewhat better position than between 1816 and 1825. In 1846, however, their position again declined owing to the failure of the potato crop. On account of this, in January, 1847, an application was made by the Keys to the Treasury to obtain a grant from the surplus revenue to give employment to labourers and relieve

Distress in 1847. distress. A reply was received to the effect that, before such a grant could be made, there must be a thorough enquiry into the condition of the people and the amount of food available for their support. The outcome of this enquiry was a decision that the destitution in the country was not so great as to warrant an application for a grant. Thus it is clear that the Manx were much better off than the Irish at this period. Nevertheless, in Man, as in Ireland,

\* See p. 588.

† Walpole (*History of England*, vol. i. note p. 503) gives the average daily wage of unskilled labour in England at 2s. 6d. a day in 1816, at 2s. in 1836, and again at 2s. 6d. in 1856.



this scarcity of food resulted in increased emigration. Between 1847 and 1851 such large numbers of Manxmen went to America and Australia, attracted by the gold discoveries in California in 1848 and in Australia in 1850, that the population in the country districts, especially in the north, rapidly decreased. In consequence of this a considerable rise of wages followed, day labourers, in 1866, getting from 2s. to 2s. 6d., and, by the year, £25 to £30,\* while mechanics received about 4s. a day.

Further  
emigration  
from 1817 to  
1851.

Emigration, the increased demand for agricultural labour, and the advent of the visitors had thus been the chief causes which operated to bring about an increase in the rate of wages. But there were other causes at work which had a share in improving the position, not only of the labouring class, but of Manxmen generally. Chief amongst these were the repeal of the Corn Laws and the destruction of the old commercial system by Sir Robert Peel. The increase of the duties on spirits, the decrease of the duties on tea, after 1853, and the passage of the Taverns Act in 1857,† whereby the facilities for drinking were somewhat restricted, had also some effect, because Manxmen, who were also greatly influenced by the temperance movement, drank less spirits and more tea. The good results of this were soon apparent.

Various causes  
of the  
improvement  
in the  
labourers'  
position since  
1825.

There can, then, be but little doubt that the

\* With a cottage, and perhaps some fuel. The old system of feeding the labourers, except sometimes at mid-day, was becoming less frequent.

† See pp. 581 and 645.

It was much better in 1866 than in 1765.

Machinery for poor relief inadequate.

The House of Industry.

condition of the able-bodied Manx labourer was much better in 1866 than in 1765, though, at the same time, the difficulties in supporting the aged and infirm poor had become even greater than before. The machinery for this purpose continued during the whole of this period to be in the hands of the Church; but, by 1814, its efforts were found, in Douglas at least, inadequate to cope with the large amount of destitution and misery that then existed. In that year, therefore, a Society was formed to solicit funds for bettering the position of the poor, and an institution \* was established in Sand † Street, Douglas, where twenty-five people were wholly supported, and, in addition to this, a number of others received partial relief. ‡ This good work failed, about 1820, from want of support, but it was renewed and carried on on a permanent basis by the establishment, in 1837, of the present House of Industry, which was founded by a donation of £500 out of the funds belonging to the minister and wardens of St. Matthew's Church, as trustees, for the poor of the town, and was vested in twenty-four trustees, who were also a committee of management; twelve of these trustees being the ministers and wardens of the Douglas churches, and twelve being elected from the subscribers to the funds of the institution. § A

\* It was in charge of a housekeeper, and a cook was also kept.

† Now "Strand Street."

‡ In 1815, £660 was spent. Eighty-five poor received a breakfast and dinner daily; seventy received from 1s. to 2s. a week, and fifty from 1s. 6d. to 2s. a month.

§ Brown's Directory. Comrs'. Report, App. (B), No. 84.

still more decided departure was the establishment of a dispensary in Douglas, in 1839, and of a hospital in the same town, in 1850.

As regards prices, we find the following figures :— Prices.  
 In 1765, a cow could be bought at from £2 10s. to £4. A calf cost 4s. and a sheep the same price. Tea varied from 3s. to 7s. 6d. per lb. A bottle of rum cost 1s. In 1791, there is the evidence of Governor Shaw to the effect that “since 1776 the necessities of life have more than doubled in price, some of them trebled,” \* and, between 1793 and 1815, they rose still further. Thus, in 1793, beef and mutton cost from 2½d. to 4d. per lb.; in 1812, they were from 5d. to 7d.; in 1815, 7d.; and, in 1824, they had fallen from 4½d. to 5d. Eggs, which in 1793 were 2d. a dozen, reached an extreme price of 20 for 1s. in 1815, falling to 42 for 1s. in 1824. Milk rose from 1d. a quart to 3d., and butter from 2d. per lb. to 14d., falling, in 1824, to 9d. Prices of oats and barley † varied very much as in England, though they were usually lower.‡ Fowls and ducks rose from 6d. to 2s. a couple.§ Brandy and Hollands cost 11s. 6d., and rum from 6s. to 8s. 6d. a gallon; tea from 4s.

\* Remembering that owing to the condition of the currency these prices were partly nominal.

† In 1810, barley was 74s. and oats 40s. to 48s. per quarter. In 1816, oats was 30s. In 1822, barley was 44s.

‡ For special causes affecting price of wheat, see pp. 558–60.

§ These were the Douglas prices; at Castletown they were somewhat lower, and at Ramsey and Peel lower still. The evidence about prices is for the most part derived from the *Lib. Scacc.*, the *Manks Mercury* and *Advertiser*, Woods, Bullock, and sundry Guide Books.

Causes  
affecting the  
prices of wheat  
and bread.

The policy  
of the  
landowners.

to 6s., and refined sugar from 9d. to 1s. per lb.; while salt was 3s. per hundredweight. This comparative lowness of prices was evidently one of the chief attractions of the island to strangers.\* In 1824, the rent of a ten or twelve roomed house in Douglas was from £30 to £40, and board and lodging in the best style was 21s. a week.† The prices of the commodities we have mentioned were, for the most part, affected by natural causes, but those of wheat and bread were, between 1775 and 1822, interfered with by artificial regulations. At first these took the form of embargoes on the export of Manx wheat, which tended to reduce its price in favour of the consumers, but, for some years after 1798, the land-owning interest, which was all-powerful in the Legislature, succeeded in putting a stop to them, except in 1808, when an embargo on provisions was imposed for some months. This was acquiesced in by the people till 1812, when, there having been a poor harvest, an attempt to export wheat led to a riot in Douglas. The mob proceeded to unload a vessel containing wheat, but, before they could complete their work, the soldiers from the garrison at Castletown arrived and arrested the ring-leaders. The governor then promptly put on an embargo, which, however, was removed by the Duke of Atholl, who arrived in the island in December,

\* Jefferys, p. 64, and Woods, p. 97.

† Woods (p. 99) says, in 1811, that he was informed that "half a century ago, a gentleman might keep his carriage and live sumptuously for £100 per annum."

and exports of wheat went on as before. Between 1814 and 1816, there was a series of bad harvests, so that a considerable quantity of foreign corn was imported, and, in the latter year, the governor again imposed an embargo on Manx wheat. This so alarmed the Manx landowners that they petitioned the English Government to place the island under the operation of the English Act of 1815, whereby the importation of foreign corn for home consumption was prohibited, when the price was below 80s., and of colonial corn, when below 67s. per quarter.\* No notice was taken of this petition, but, in 1819, in response to a further and more urgent appeal, Lord Sidmouth ordered the governor to stop the importation of wheat. The governor obeyed, but protested, and, after some correspondence with the Board of Trade, importation was again permitted. The Keys, however, were determined to keep up the price of corn, and so, in February, 1821, they presented a petition to the governor, in which they denounced the free importation of foreign grain as "a practice which manifestly tends to the ruin of the agricultural interests of the island."† This petition was forwarded by the governor to London, and, in the following July, the Isle of Man was, by an Act of Parliament, placed in the same position as the United Kingdom with respect to the importation of

\* It could be warehoused in England and exported, free of duty, but, until price of wheat reached 80s., it could not be used for home consumption.

† *Manks Advertiser*.



The  
consequent  
riot in October,  
1821.

corn.\* That is to say, when the English ports were closed against the importation of foreign corn, meal, or flour, for home consumption, the Manx ports were also closed. Thereupon the price of flour and bread rose rapidly,† and a riot took place at Peel on Monday, the 1st of October, when the people broke the windows of the flour-dealers and compelled them to sell flour at the rate of seven pounds for a shilling. On the 2nd, one of the deemsters went there to enquire into the circumstances of the riot, and its ringleader, who had created a disturbance in court, was locked up by the deemster in person, because he could not find a constable to act. The populace then stormed the gaol and rescued the prisoner, but the yeomanry cavalry, the only local force which could be depended on, seized him with a few others and placed them in Castle Rushen. On the 4th of October, another riot took place in Douglas headed by a man from Peel in woman's costume, but he and another of the ringleaders were promptly arrested by a small force of half-pay officers and incarcerated in Castle Rushen. The riot, however, continued, so that, the next day, a number of special constables were enrolled, "and a formidable force was kept at the Free School in Atholl Street under arms,"‡ whereby the people were overawed. On the 4th and 5th, the House of Keys met and decided to "examine a jury of 6 men, concerning the quantity of grain

\* By 1 and 2 Geo. IV. c. 87.

† From 7d. to 1s. for 5½ lbs. of the best flour.

‡ The *Rising Sun*.



and potatoes in each parish, and to lay an embargo on the exportation of oats, barley, and their meals, and of foreign wheat and potatoes and flour made from foreign wheat," \* and, on the 4th, the governor issued a proclamation that the embargo on exporting corn should be renewed till the 26th of November. Prices of grain then speedily came down, and the people, knowing that a considerable quantity of foreign wheat was stored in the island, † were temporarily quietened. On the 14th of October, a detachment of the 29th regiment was landed to assist the special constables in keeping order. On the 31st, the duke arrived, after six years' absence, and found that, though the riots had been suppressed, the people were still dissatisfied and uneasy. On the 26th of November, he summoned a Tynwald Court, and, in addressing it, remarked that the cause of the late riots was "the rise in the price of grain owing to the speculations of persons on the other side of the water, founded on the expectation of a bad harvest." ‡ He succeeded in persuading the Court, while not renewing the embargo on exports, to petition the Crown to restore the free trade in foreign grain. This removal of the embargo caused some further disturbances, especially in the northern district, and the duke, who had received a warning that the troops must shortly be withdrawn, thereupon swore

The action of  
the Duke of  
Atholl.

\* *The Rising Sun*.

† This had been bought at 4s. per bushel, and was offered for sale at 9s.

‡ *The Rising Sun*. This, however, had not been altogether realized.

in an additional number of special constables, both in Douglas and Ramsey.\* At the same time he took the opportunity of addressing the people and informing them that he had pardoned all those connected with the late riots, except two, whom he had reserved "from their general bad characters as proper subjects for public example."† He also assured the people that, as long as he had a loaf, they should not want their daily bread. These measures and promises, together with the arrival of some more foreign grain (the assent of the Crown to its free importation having been obtained), soon restored tranquillity.

Course of  
prices between  
1830 and 1866.

Between 1830 and 1866, prices of such commodities as beef, mutton, poultry, and butter rose,‡ but this increase was partly counterbalanced by the fall in the price of bread, groceries, and clothing, especially after 1844, when the "licence system" came to an end.§ The price of oatmeal, milk, and potatoes || did not vary much, so that the purchasing power of the Manx peasants had undoubtedly increased.¶

\* On Nov. 29th at Douglas, and Dec. 1st at Ramsey.

† Pamphlet (1825), p. 122.

‡ Beef and mutton from 4d. to 8d. per lb.; pork from 2d. to 5d. per lb. Fowls from 1s. to 3s. per pair. Butter from 7d. to 1s. per lb. (These prices are approximate.) § See p. 622.

|| Till after 1866 they ate but little meat. Their food, in 1811, consisted chiefly of butter-milk, potatoes, barley-cakes, stir-about, and herrings (Woods, pp. 45-6).

¶ Considering the change in the value of money. In 1840, sheep cost from 7s. to 8s., milking cows from £5 to £7, and potatoes from 4s. to 5s. per boll of 32 stones.

At the end of the eighteenth century, the houses Houses. of the people were described as "miserable huts," \* built of turf and thatched, the walls being seldom above seven feet high.† By 1812, there was some improvement. Most of the cottages were then said to be built of unhewn stone, though the "meaner" ones were still constructed of sods, and usually contained "two rooms on the ground, sometimes with, sometimes without, a solitary window.‡ We are told that the smoke from a peat fire, which was intended to issue at a hole at one corner of the roof left for that purpose, did actually, for the most part, take possession of the room, and emerge from it by the doorway. In 1816, the "mud-walled cabin and thatched roof" were "giving place to erections of brick or stone with slated tops." § After 1840, the houses of the poorer class still further improved. This was mainly due to the fact that, since the land was gradually falling into fewer hands, many proprietors were men of sufficient means to enable them to erect better cottages on their estates. Much, however, still remained to be done in this direction.

Let us now refer to the small but rapidly in- THE TOWNS. creasing towns, where the people were probably in

\* Robertson, p. 196.

† Feltham, p. 120. An English officer who stayed for two years in the island at this period wrote: At present they are no "better sheltered from the inclemencies of the weather than the beasts of the fields" (Townley, vol. i. p. 45).

‡ Woods, pp. 37-8. See also Quayle, pp. 22-3.

§ Bullock, p. 250. See also Robertson, p. 156, and Quayle, p. 150.

a somewhat better position.\* In 1776, there was an attempt to improve the condition of the towns by the passage of a law ordering that the pavements† of the streets should be made by the proprietors of the adjoining houses, that the streets should be kept clean by the inhabitants, and that pigs were not to be at large.‡

Douglas.

Douglas, about which there is much more information than about the other towns, was said to be “very populous”§ in 1791, although a century earlier it had been “little more than a group of clay built cottages.”§ In 1810, the streets were described as “very irregular, and, in some places extremely narrow,” and the houses were “low and ill-constructed, crowded together without regard to convenience and uniformity.”¶ In the same year, however, two new streets, Duke Street and Sand\*\* Street, which were the first streets to be paved, were begun, and, by 1816, a large number of new and better houses had been built.†† In 1818,

\* Though it is significant that Woods said (pp. 107-8), when he visited the island in 1810, that he could not obtain any blotting-paper in Douglas, and that the only person who sold books was a bookbinder by trade. There was, however, a circulating library.

† See p. 411.

‡ *Statutes*, vol. i. p. 301. But this does not seem to have been done. See next page.

§ Robertson, p. 15.

|| Woods, p. 104.

¶ Bullock, p. 206. Down to 1808, the streets had no names, and the houses were unnumbered till 1843 (*Train*, vol. ii. p. 366).

\*\* Now Strand Street. It and Duke Street were then the extreme limits of the town on the northern and western sides.

†† *Manks Advertiser*, 1816.

the stone bridge over the harbour was built, and, between 1820 and 1829, many houses were erected in the suburbs.\* It was not till 1829 that the streets were lighted, and then only by a few oil lamps. Douglas is described at this time as consisting of "a most extraordinary lot of narrow lanes . . . Duke Street being the main thoroughfare, where were the principal shops; though even there some of the gentry had residences."† The streets, or lanes, were paved with stones from the shore, and half lit with oil lamps, while they were drained by "open gutters," and "the whole place was full of dirt and bad smells."‡ Another observer confirmed this account of the streets, but remarked that the houses were "respectable" and the shops "spacious and strong, and worthy of any English country town."§ An Act passed in 1836, obliging a company, which was then formed, to supply public lamps with gas, was not taken advantage of till 1860.§ By the *Justices Act* of 1836, bye-laws could be made by the high-bailiff, or two justices,

\* It may be mentioned that in 1804 the ducal palace of Castle Mona, built of dressed white freestone from the Isle of Arran, was completed at a cost, it is said, of more than £40,000.

† H. S. Brown, *Memoirs*, p. 4.

‡ Teignmouth, vol. ii. p. 184.

§ *Statutes*, vol. ii. pp. 70-83. There were only a few private houses in Douglas lit by gas as late as 1843. By January, 1860, there were twenty-two public gas lamps in Douglas. For supply of water in 1834, see p. 570.

|| *Statutes*, vol. ii. pp. 97-103. In 1838, a covered market was built in Wellington Street, but, since the country people would not use it on account of the charge made for stalls, it was soon abandoned.



subject to the approval of the Tynwald Court, for the regulation of towns, but nothing was done to carry this out. It seems, indeed, to have been a time of absolute apathy and inertness in municipal affairs. The entire control of Douglas was in the hands of the high-bailiff. The injustice and hardship of this system was constantly complained of; and yet, when the townspeople held a meeting in 1844, at which they passed a motion praying the Legislature to pass a law for lighting, watching, paving, and cleaning\* the town, they rejected a proposal in favour of the election of a town council. The Legislature did not do anything to fulfil the request of the meeting till 1852, when, having received an urgent petition about "the absence of a suitable system for lighting the streets,"† it passed an Act by which fifty or more householders might require the high-bailiff to ascertain whether the inhabitants desired its provisions to be put in force. If so, they might elect commissioners,‡ of whom the high-bailiff was to be chairman, to carry it out. The property in the towns was to be valued, and the rates were not to exceed 2s. in the pound.§ This Act was permissive, and no advantage was taken of it, there being strenuous opposition in Douglas to its being made compulsory. It was not till 1860 that a compulsory Act was passed, and that was for

\* *Mona's Herald*.

† *Manx Sun*.

‡ Douglas nine, and the other towns six each.

§ *Statutes*, vol. ii. pp. 297-306.



Douglas only.\* By it the high-bailiff's powers as to the streets, &c., were transferred to the commissioners, and the townsmen were exempted from highroad labour, though, in lieu of it, they had to pay three shillings for each house. Soon after the promulgation of this Act, Town Commissioners, nine in number, were duly elected, and they at once proceeded to make extensive reforms.† In 1864, they obtained the right of making bye-laws, which had to be confirmed by the Tynwald Court.‡

We now come to Ramsey, which, at the end of the eighteenth century, was referred to as a "small neat town," § but irregular,|| and, in 1829, its streets were stated to be narrow, and its houses "neat and cleanly from the presence of whitewash." ¶ It obtained a water Act in 1859,\*\* a gas Act in 1857,†† and was incorporated with seven commissioners having similar powers to those in Douglas, in 1861.‡‡

Ramsey.

\* *Statutes*, vol. iii. pp. 1-13.

† The gross valuation of Douglas at this time was £41,512, and the net valuation £33,318. Inhabited houses, 1,727; uninhabited, 40.

‡ *Statutes*, vol. iii. pp. 114-124. We may mention that, in 1860, the residence of the governor was transferred from Castletown to Douglas, and, after 1864, the practices of holding the Common Law Courts alternately in Castletown and Douglas, and of occasionally summoning the Legislature to sit in Douglas, grew up.

§ Feltham, p. 143.

|| Bullock, p. 233.

¶ Teignmouth, p. 186.

\*\* *Statutes*, vol. ii. pp. 468-71. Douglas had a similar Act in 1834, see p. 570.

†† *Ibid.*, vol. ii. pp. 434-7, and vol. iii. pp. 196-206.

‡‡ *Ibid.*, vol. iii. pp. 196-206.

Castletown. The streets of Castletown were referred to, in 1865, as being "regular and airy."\* Its water and gas Acts are dated 1857.†

Peel. Peel, which is spoken of, in 1760, as a small town, full of people, with an indifferent harbour,‡ obtained a water Act in 1860, and a gas Act in 1857.§ There is, indeed, singularly little information about the smaller towns, but it may be said of them generally that their condition was very similar to that of Douglas, and that, like it, they slowly improved.

Police. Another cause which retarded the progress of the towns was the utter inadequacy of their police. We have seen that, before the Revestment, order was maintained in them by the garrison soldiers, under their captains, who were also the chief civil officers. But, subsequent to this event, their places were taken by an absurdly small number of constables,|| under the control, after 1777, of the high-bailiffs. These men were usually old and feeble, and, being wretchedly paid,¶ spent most of their time in going on errands for those who paid them for so doing.\*\* Moreover,

\* Bullock, p. 219.

† *Statutes*, vol. ii. pp. 413-16, and 420-21.

‡ *Manx Ballads*, p. 23. A court-house and jail were ordered to be erected at the market cross, in 1830.

§ *Statutes*, vol. iii. pp. 90-3, and vol. ii. pp. 417-18.

|| *I.e.*, in 1790, a chief constable and gaoler and seven constables in Castletown, five in Douglas, and one each in the other towns. After 1814, the numbers in Douglas and Castletown were reduced to four.

¶ £5 annually. The chief got £12 10s. In 1830, it was raised to £10 for the constables and £25 for the chief.

\*\* "They devoted their time to the serving of civil processes,

they were only employed in the daytime, so that at night there was no check upon disorders of all kinds. In 1830, Douglas was supplied with five constables instead of four. But this meagre increase did not satisfy its inhabitants, and so impressed were they with the urgent need for more constables that they subscribed voluntarily to secure some addition to the force until the Police Bill, then before the Legislature, should be passed.\* It was, however, thrown out by the Keys, and, in 1851, no change having been made, we again find the Douglas people complaining that the inadequacy of the police encouraged "immorality and crime," and rendered "life and property insecure."† At last, in 1853, there was an attempt to improve the status of the police by giving the head constables, of whom there was then appointed one in each town,‡ £40 a year each, and the others, £30, "subject to their attendance at all times when required,"§ which made them liable to night duty. It is, however, manifest that but little could be done by twenty constables for the whole island, and so, in 1860, the inhabitants of Douglas complained of the inadequacy of this force in a memorial to the Home Secretary, in which they stated that assaults in the streets at night were very numerous. This appeal produced no effect till 1863, when twelve men were added to the force, instead of being always in readiness to assist the magistrates in preserving the peace of the town" (*Manks Advertiser*, 1863).

\* *Manks Advertiser*, 1833.

† *Manx Sun*.

‡ There was also a gaoler in Castletown.

§ *Ibid*.

being followed by twenty-one more in 1864, five of whom were rural constables. Their pay was increased, and a chief inspector, a military officer,\* was appointed.

Health.

It will have been gathered from what has been said of the towns that sanitary precautions † were almost entirely neglected. As late as 1833, the Douglas householders stated that there was “a great want of proper sewerage and cleanliness.” ‡ The first important sanitary measure was the *Douglas Waterworks Act*, in 1834, authorizing a company to collect water and distribute it in the town by pipes.§ Hitherto Douglas, like the other insular towns, had been supplied with water either from wells or by carts which came from the country. It was not till 1851, when it passed the *Nuisances Act*, that the Manx Legislature in any way recognized an obligation to deal directly with sanitary questions. Under this Act, if any epidemics broke out, an order could be issued by the governor and two members of the Council to cause precautions to be taken against its spreading, such order to remain in force till the Tynwald Court met. In respect to nuisances,

\* Captain M. Goldie.

† Scientific sanitation was practically unknown till the end of this period.

‡ *Manks Advertiser*.

§ *Statutes*, vol. ii. pp. 47–50. It was bound to lay on water to a house on receiving twenty days' notice and being tendered the rate, which was not to exceed 8 per cent. on the annual value. In 1859, additional powers were given to the Douglas Water Works Company to take more water and increase its capital (vol. ii. pp. 449–51).

however, the Act was rendered futile by the provision that they could not be enquired into by the inspector until a "notice in writing from two or more householders had been received." \* This Act, of course, applied to the country generally. With regard to Douglas, the part of the Act of 1860, which related to sanitary matters, was equally ineffective, since there were many nuisances which the commissioners could not deal with under it. They could not, for instance, compel householders to enable them to undertake drainage or sewerage adequately. Many of the houses, therefore, were in a most insanitary condition, and the commissioners applied to the Legislature to give them increased powers to enable them to deal with it. The Bill prepared for this purpose, though thrown out by the Keys in February, 1864, was shortly afterwards re-introduced and passed.† A scheme for main sewers ‡ promptly followed, and, in 1865, an Act was passed which ordained that common lodging-houses should be inspected, and that, unless a licence was granted, no lodgers could be received.§ In the country the state of things was more primitive still. Cattle and human beings often occupied the same house, and, even when this was not the case, the cow-house and stable were frequently on a higher level than the dwelling-house, and, conse-

\* *Statutes*, vol. ii. pp. 288-92.

† *Ibid.*, vol. iii. pp. 114-24.

‡ At a cost of £3,931.

§ *Statutes*, vol. iii. pp. 188-95.



quently, drained into it, while the manure heap was close by. No wonder, then, that the general health left much to be desired.\*

Small-pox,  
cholera, and  
typhoid fever.

The population was still literally decimated from time to time by small-pox, especially in the eighteenth century, and there were two terrible outbreaks of cholera, and one of typhus.† In 1864, 1865, and 1866, there was a serious epidemic of typhoid fever, which the authorities endeavoured to check by the formation of Boards of Health throughout the island. But this and the other measures

\* *Manks Advertiser.*

† There are no authoritative vital statistics, and we can only judge of what occurred by comparing the information given by MS. letters, and the church registers with the changes in population. The worst epidemics of small-pox were in 1765, 1772, 1780, and 1799. In the parish of German and the town of Peel 48·0 per 1,000 died of it in the former year, and 25·0 per 1,000 in the latter. It also raged in 1839, 1851, and between 1864 and 1866. In the parish of Ballaugh the deaths from small-pox and other causes respectively were:—

	Small-pox.	Other Causes.
In 1764-5. December 13-March 31	28	6
„ 1772-3. July 16-August 24.....	33	11
„ 1799. February 8-June 24 ...	22	9

The worst epidemic of cholera was in 1832, when 90 out of 2,000 died in Castletown. It returned in 1849 and 1853. Typhus killed a great number in 1837. The terrible destruction caused by small-pox seems to have been largely due to the baneful practice of inoculation which was put a stop to by Act of Tynwald in 1852 (*Statutes*, vol. ii. pp. 314-15), but unfortunately, vaccination was not made compulsory till 1876. (In England inoculation began to be practised in 1721, but did not come into general use till 1740. It was rendered a penal offence by the Act of 1840.) Vaccination was first introduced into the island about 1805.

adopted were, owing to the general ignorance of the most elementary sanitary laws, almost wholly ineffective, and this period closes with a dismal health record, it being estimated, in the absence of precise figures, that the general death rate exceeded twenty-four per thousand,\* while, in the towns, it reached a much higher percentage.

Notwithstanding the heavy death rate,\* population increased very rapidly, though irregularly, during this period, it having been about 20,000 † in 1765, and about 52,000 in 1866.

The average annual increases were as follows: Between 1757 and 1784, 218; 1784 and 1792, 386;

\* The numbers of births and deaths are given in the registrars' returns since 1851, this being the first year in which they were issued in accordance with the Acts of 1849 (*Statutes*, vol. ii. pp. 223-53), but they are of little value, as registration was not made compulsory till 1877. In the three years in which typhoid fever and small-pox were prevalent the death rates were said to have been as follow:—

	1864.	1865.	1866.
Island .....	26·4	24·9	23·7
Towns .....	25·8	22·6	22·8

But it seems very unlikely that the death rate of the towns would be smaller than that of the island generally. In the different towns the rates were as follow:—

	1864.	1865.	1866.
Peel .....	20·6	18·1	25·9
Ramsey .....	30·7	23·5	20·0
Castletown .....	21·1	19·6	20·9
Douglas .....	31·0	29·0	24·3

The general Manx birth rate for 1851-60 was 28·0, and for 1861-70, 29·8, the general death rate for the same periods being 19·3 and 20·6 respectively.

† It was 19,144 in 1757.

1792 and 1821, 420; 1821 and 1831, 67; 1831 and 1841, 623; 1841 and 1851, 440; 1851 and 1861, 8. Between 1821 and 1831, when the expansion was small, and between 1851 and 1861, when the population was practically stationary, are the periods when the greatest amount of emigration took place.

Its more rapid growth in the towns.

A noticeable feature is the proportionately more rapid growth of the population in the towns,\* especially Douglas, than in the country, that of the former having been 4,416 in 1757, and 20,623 in 1861; and that of the latter 14,728 in 1757, and 31,846 in 1861. The country population reached its maximum in 1851, when it was 34,933. Since then it has been shrinking rapidly, especially in the northern district.†

\* The town population of Man both in 1792 and 1861 bore a larger proportion to the country population than that of England and Wales in 1801 and 1861, and it increased more in proportion to the country, as the following figures will show. It must be remembered, however, that, in the case of England and Wales, only the 72 largest towns are given, which will somewhat modify the results:—

		1801.	1861.
England and Wales	{ Country .....	8,892,536	20,066,224
	{ Towns .....	2,215,261	7,667,622
		<hr/> 6,677,275	<hr/> 12,398,602
		<hr/>	<hr/>
		1792. ‡	1861.
Isle of Man	{ Country .....	20,676	31,846
	{ Towns .....	7,237	20,623
		<hr/> 27,913	<hr/> 52,469
		<hr/>	<hr/>

† For full details as to population see Appendix B.

‡ Nearest census to 1801, the next being in 1821.

Between 1736 and 1814, the increase in the population of Douglas, and, to a smaller extent, of the other towns, was partly due to the number of foreign debtors\* who settled in the island. But, in 1814, the Manx Legislature passed a law by which any people of this class who took up their abode in the island during and after that year might be prosecuted for the liabilities they had incurred elsewhere, and so they gradually ceased to resort to it. This was, at first, a great loss to the island generally and to Douglas in particular, but about 1820 the population began to be increased by the immigration of numerous half-pay officers, who were attracted by the comparative lowness of prices and freedom from taxation. The influx of these strangers gave an important impetus to the prosperity of the country. † Summer visitors also began to come to such an extent that, in 1820, an insular newspaper stated that the money received from the visitors “more than equalled the returns of an

Foreign  
debtors.

Half-pay  
officers.

Summer  
visitors.

\* See p. 413, and Robertson, pp. 15 and 21-2. Woods (p. 27), referring to the debtors, remarks: “The island is so much the resort of persons of this character, that a man, on his arrival, is, *ipso facto*, immediately suspected of coming hither to avoid his creditors.” These persons could only be held to bail for their personal appearance and for the production of the goods they had on the island; they could not be deprived of their money and clothes. Jefferys’ (*Guide Book*, 1809, pp. 63-5) gives some amusing evidence as to the mutual aversion of the Manx and English.

† Enormous numbers of officers were thrown out of employment after the peace in 1815, and, since their half-pay was very low, a place where they could live very cheaply was a necessity.

ordinary fishery.” \* This is, however, certainly an exaggeration, and it was not till after the establishment of regular communication by steamers that visitors arrived in any great numbers. † It was calculated that from 20,000 to 30,000 of them came every year between 1830 and 1850. ‡ In 1852, there was a sudden increase, and, from that date to 1866, there were probably from 50,000 to 60,000 visitors annually. But for the fact that they were obliged to land in boats at Douglas when the tide was low, their numbers would doubtless have been greater.

The lunatics.

Except for a few scattered notices in the Church Registers, there is no mention of lunatics in the island till towards the end of this period. But then, through the medium of the Press, we learn that there were poor creatures who were either tied to stakes in outhouses or stables, being fed on garbage and clad in rags, or who wandered about absolutely uncared for. It is true that, after 1849, § the criminal lunatics were housed in cells at Castle Rushen, and that other lunatics, not criminal, were supposed to be sent there, but careful enquiry has disclosed the fact that, between 1849 and 1864, their numbers hardly ever exceeded 12, though it is known that there were at least 90 existing under the

Are terribly neglected.

\* *Manks Advertiser*.

† See p. 588.

‡ Improved accommodation for the well-to-do visitor was obtained, in 1834, by the conversion of the ducal palace of Castle Mona into an hotel. It was calculated that the visitors at this period expended about £50,000 annually, and the half-pay officers, who, with their families, numbered about 500, £100,000 annually.

§ *Statutes*, vol. ii. pp. 257-61.



conditions we have just referred to. Such a shameful state of things brought discredit both on the English Government, through its responsible adviser, the governor, and on the insular Legislature. At last, in 1851, in response to a letter to the governor from the Home Secretary, who offered to pay the whole of the cost of the maintenance of the criminal lunatics and half the cost of an asylum if the island would pay the other half, a public meeting was held to consider the question, when it was decided that this offer should be accepted and that the island's share should be raised by voluntary subscriptions. A sum of £1,500 was thus obtained, but was nearly all lost by the failure of Holmes' Bank in 1853. In 1856, a legacy of £4,000 was left for this purpose by Mr. Breed, but, since there seemed to be no prospect of raising the remainder of the required amount by appeals to private benevolence, a memorial was, in 1858, sent to the Home Secretary from the Tynwald Court, asking him to provide temporary accommodation for the lunatics, while steps were taken to build a permanent Asylum from the public funds. He assented, but did nothing to fulfil his promise till 1864, when the lunatics were sent to Oatlands in Santon.\* The Lunatic Asylum Act had already been passed in 1860. By it the Asylum was vested in the Tynwald Court, which, in 1864, appointed a

A temporary  
asylum in 1864.

\* Rushen Abbey was bought for a lunatic asylum by the insular Government in 1853, but it was not utilized for that purpose, and an Act was passed to revoke the deed of sale (*Statutes*, vol. iii. pp. 97-8).

managing committee, of not less than five, from its members, and a rate was provided for. \*

In 1862, a site was purchased near the Strang village, about  $2\frac{1}{2}$  miles from Douglas; in 1864, a plan for a building for 110 lunatics was applied for, and, in 1868, this building † was completed and the lunatics removed to it. Since then there have been various additions to accommodate their steadily increasing number. The increase, it should be said, appears to be mainly due to the fact that persons are now admitted as patients who, even at a recent date, would have been rejected, as not being considered sufficiently imbecile.

Permanent  
asylum  
completed in  
1868.

#### LUNATICS.

*Daily average number resident.*

	Males.	Females.	Totals.
1871	50·9	51·8	102·7
1875	47·3	57·2	104·5
1880	52·5	79·2	131·7
1885	70·5	88·3	158·8
1890	84·8	98·2	183·0
1895	88·3	100·8	189·1
1897	85·6	106·8	192·4
1899	90·1	109·1	199·2
1900	89·8	116·4	206·2

\* *Statutes*, vol. iii. pp. 43-73. The cost was divided as suggested by the Home Secretary in 1851.

† The total cost of the building, not including later additions, was £21,781, of which the English Government paid £10,908. The total expenditure on these additions, to June, 1882, was £29,888.

There can be no doubt that the Manx, in common Drink. with their English, Scottish, and Irish neighbours, were, between 1700 and 1800, and, to a less extent, between 1800 and 1857, a very drunken people. Owing to the prevalence of smuggling, spirits were extraordinarily cheap till 1798, and, even after that date, their price\* was very low compared to what it was in England. † Other reasons for the large amount of drunkenness were that, till 1813, there was no increase in the cost of the licences for selling ale, wine, and spirits, which had remained at the same low figure as in 1740; ‡ and that, till 1857, § there was no effort to regulate the proceedings of the licence-holders. They might, as far as is known, sell drink at any time and on any day, || and the

\* In 1830, rum was 2d., gin 3d., brandy 6d. per glass, the prices in England being 6d., 8d., and 1s. respectively. This resulted from the great difference in the duties.

† The average consumption of spirits in the Isle of Man, in 1765, was four gallons a head, but this is only on the basis of the legal importation which was a small part of the whole, while, in 1862, it was 1·6 gallons. In 1805, 25,000 lbs. of tea, or about 1 lb. per head, was considered sufficient for insular consumption, whereas about 300,000 lbs., or nearly 6 lb. a head, was actually used in 1866. The number of visitors in 1862 and 1866, and their practical absence in 1765 and 1805, should be borne in mind when estimating the significance of these figures. In London, in 1750, the average consumption of spirits was said to be about 14 gallons, whereas between 1865 and 1895 it was 1·48 gallons for both wine and spirits.

‡ See pp. 405-6. It was made 24s. 6d. for wine, 12s. 3d. for spirits, 12s. 3d. for ale (*Statutes*, vol. i. pp. 365-9). In 1819, wine licences were raised to 36s. 9d., spirits to 24s. 6d., ale remaining as before (*Ibid.*, pp. 404-13).

§ See p. 581.

|| Though it is possible that the governor may have inserted

limitation of their number to 300, by the Act of 1740, was disregarded.

In 1822, there were 443 \* public-houses, or about one to every 90 of the population, so that the statement of an observer, who wrote about the period between 1825 and 1840, that “most Manxmen . . . got drunk with great regularity” † need not cause any surprise. But, fortunately, there was a growing sentiment that such a condition of things was intolerable, and this led, in October, 1830, to the establishment of a temperance society, which was the forerunner of so many others that they gradually included among their members a considerable proportion of the population. The progress in this respect would doubtless have been more rapid than it was but for the culpable neglect of the insular Legislature. The only steps taken in the early part of the century towards regulation of the liquor traffic were the enactments, in 1813, that no one should be granted a licence unless he had obtained a certificate from an high-bailiff in a town, or a

Less  
drunkenness  
after 1830.

conditions in their licences by which they were bound (see *Statutes*, vol. i. p. 207).

\* Besides 45 grocers' licences, there were 14 public-houses in Patrick, 16 in German, 9 in Marown, 36 in Peel, 15 in Michael, 13 in Ballaugh, 3 in Jurby, 18 in Andreas, 7 in Bride, 14 in Lezayre, 46 in Ramsey, 5 in Maughold, 14 in Lonan, 9 in Conchan, 103 in Douglas, 19 in Braddan, 8 in Santon, 24 in Malew, 28 in Castletown, 11 in Arbory, and 31 in Rushen.

† *Memoirs of H. S. Brown*, p. 2. He also says that Hollandide Fair (then held in Athol Street) “was a scene of drunkenness so great that you could scarcely see a sober man on the ground” (p. 4).

coroner or a minister in a sheading, \* and, in 1814, giving discretion to the governor to revoke a licence. † A more decided advance was made in 1830, when it was ordered, in the *Highway Act* of that year, that recognizances must be entered into before getting a licence, and private licences for the sale of wines, spirits, and beer, in quantities of not less than one pint, were issued. ‡ But it was not till 1857, when the *Taverns Act* was passed, that any very general improvement resulted. By this the public-houses were closed on Sundays, § except as against resident lodgers, and no house could be licensed unless it had reasonable accommodation for such lodgers. The amount of the fee for a licence was raised || and the recognizance was fixed at the substantial sum of £30. The licences were granted at the discretion of four courts representing the towns of Douglas, Ramsey, Castletown, and Peel, with the adjacent districts, which were composed of the high-bailiffs, justices of the peace, captains of the parishes, and the rectors and vicars. The appeal from this court was to the *Staff of Government*. ¶ The effect of this Act was marvellous.

But no considerable change till after 1857.

\* *Statutes*, vol. i. p. 367.

† *Ibid.*, p. 406.

‡ *Ibid.*, vol. ii. pp. 14–22. The licence on spirits, &c., was £2, and on beer £1. The penalty for selling contrary to the terms of the licence was, for the first offence, £10, and, for the second, £20. This Act repealed those of 1734, 1776, and 1819. The licences were granted by the governor.

§ Also on Good Friday and any Public Fast Day, and between 11 p.m. and 6 a.m., except on Saturdays, when the hours for closing were from 10 p.m. to 6 a.m.

|| For both spirits and beer—country, £4; town, £5 10s.

¶ *Statutes*, vol. ii. pp. 422–9.



Result of the  
efforts of the  
temperance  
party.

In 1830, there were 460 public-houses; \* in 1842, 328; \* and, in 1862, with a larger population, 248. But the change in the habits of the people was far greater than is indicated by these figures. The strenuous efforts of the temperance party, being now assisted by the law, resulted in a very large reduction in the amount of drunkenness, though this was still excessive in proportion to the population.

## § 2. *Trade and Industry.*

As the island had, in 1765, changed its status with regard to England from that of being practically a foreign country, to that of being one of the possessions of the Crown of Great Britain, its inhabitants naturally supposed that they, owing to the new connexion, would be in a more advantageous position than before. But this was very far from being the case, for, though Man did obtain some privileges by means of it, the Manx people, like the Irish, were subjected to an oppressive and shortsighted commercial system. Thus, if there were any of their products which were likely to come into serious competition with those of Great Britain, their export was either prohibited or hampered with heavy duties; the importation of foreign manu-

\* Including "ale-houses" where beer only was sold. This distinction disappeared after 1857 (*Statutes*, vol. iii. pp. 253-7). By an Act passed in 1865 greater discretionary powers were given to the deemsters and justices, so that minor offences against the licensing laws should not be punished as heavily as major offences, and occasional licences were allowed to be granted (*Statutes*, vol. iii. pp. 253-7).

factured goods, except from Great Britain, was strictly prohibited ; and the interests of the British manufacturers were further consulted by the prohibition of the export of Manx raw material to any country except Great Britain;\* and no foreign, or, till 1801, Irish, ships were permitted to carry goods to or from the island. The effect of these restrictions was to restrict Manx trade mainly to Great Britain.

Among other grievances were the "Licence System," to which we will refer further on, and the confining all exports and imports to the port of Douglas. Speaking generally, Manx trade with the United Kingdom was, during the whole of this period, burdened, as regards by far the greater number of articles of commerce, with all the restrictions and regulations usually imposed upon foreign countries. That such restrictions upon trade were favoured by intelligent men, even as late as 1791, is shown by the fact that the commissioners, while recommending "uniformity of principle in imposing duties on the same article in Great Britain and the Isle of Man,"† expressed their concurrence in the maxim that "Foreign articles, which for the protection of British manufacturers, are forbidden to be imported into Great Britain, or are made liable to heavy duties, should be prohibited to be imported into the Isle of Man."† But the worst drawback to Manx trade was the introduction

\* The restrictions on trade varied in their details from time to time, but full particulars would be both wearisome and unprofitable.

† Comrs.' Report, p. 38.

The licence  
system and its  
results.

of the licence system. Under it only limited quantities of such articles as spirits, tea, tobacco, sugar, coffee, and salt, could be imported, and, for these articles, licences had to be obtained from the Board of Customs in London. These arrangements resulted in a few English merchants giving a number of fictitious names and so obtaining a monopoly of the licences. They then had the Manx merchants and people at their mercy, charging them enormous prices for the most inferior articles.\* After the report of the commissioners was issued in 1792, the licences† were granted to Manxmen only, but the chief consequence of this change was that a few Manx merchants made large fortunes, while the unfortunate consumers paid too much as before. The licence system continued in force till 1844 (nominally, till 1853), though it was not only unfair to the consumers, but furnished a strong incentive to smuggling because the quantities of the articles allowed to be imported were frequently‡ too small for the consumption of the rapidly increasing population. And yet it is curious to find the Treasury in 1853, while fully assenting to the evils of the licence system, which they then

\* Comrs.' Report, Appendix (B), Nos. 77, 84, and 86.

† The process of granting these licences was as follows: The governor allotted them "among the different applicants in such proportions as" he judged "fair and equitable," and then the applicants had to give a bond with sufficient security that they would import the whole of the goods mentioned in their licences (adv't. in *Manks Advertiser*, May 11, 1801).

‡ Up to 1816. After that date the quantities were often below it.

abolished, stating that they believed it to be "the only means by which extensive smuggling can be prevented" \* when there was a large difference between the amounts of Manx and English duties.

There were, however, some points in which the English connexion was advantageous to Manx trade. Manxmen obtained bounties on the export of linen goods and cured herrings, articles which did not compete with those made by British manufacturers.† They also obtained the permission, asked for in vain in 1711, that all "Bestials or any other goods of the growth, product, and manufacture"‡ of the island, with, however, the important exceptions of woollen goods and beer, should be landed in Great Britain duty free. Further, they were allowed to import, free of duty, salt, boards, and timber, being the produce and manufacture of Great Britain, and iron, cotton, indigo, naval stores, &c., from the British Plantations in America, on condition that they were shipped in British vessels; while brown linen cloth, hemp or hemp seed, utensils and instruments employed in manufactures, fisheries, or agriculture, bricks and tiles, young trees, &c., might be imported on the same conditions from both Great Britain and

Advantages  
from the  
connexion with  
England.

\* Parl. Papers (1853), p. 1. In 1826, sugar was selling at 1s. 6d. per stone, coffee at 6d. per lb., tea at 1s. per lb., and rum at 1s. per gallon more than in England (*Manks Advertiser*).

† The linen trade at this time was almost entirely Irish.

‡ See Comrs.' Report, App. (A) No. 7 and (B) No. 86 and *Statutes*, vol. i. p. 187.

Ireland.\* It must be remembered, too, that, as Manx ships had now become British ships, Manxmen were allowed to convey their exports and imports to and from the United Kingdom in their own ships. And it should also be mentioned that the free † importation of "corn or grain coming from any part or place whatsoever, except from Great Britain,‡ which they had previously enjoyed was not interfered with. So much for the influence of the English connexion on the Manx trader.

Effect of the regulations of the local authorities upon trade.

Let us now see how he was treated by his local authorities. Forestallers and regrators were punished as strictly as ever, and embargoes on the export of corn and other provisions were frequently imposed on the most inadequate pretexts.§ The effect of the embargoes was, as regards the traders, to curtail their opportunities of making money. They were, in fact, in such bondage to the landowners that they did not, as a rule, venture to take advantage of the free trade in foreign corn, except for the purpose of the smuggling trade with Great Britain. Another circumstance which prejudicially affected Manx trade during the first few years of the nineteenth century

\* But it should be noted that the same articles from "foreign parts" were subjected to heavy duties.

† Except for harbour dues. On British corn £5 *ad valorem* had to be paid. Flax seed, brown linen yarn, wood ashes and weed ashes, and flesh of all sorts were free, but the quantities of these imported were very small.

‡ Geo. III. c. 45.

§ See *Lib. Scacc.*, 1775, 1784, 1787, 1795-6, 1798. For discussion of the effect of this on prices see pp. 558-62.

|| Comrs.' Report, App. (B) No. 21 and Ch.



was the existence of an enormous number of promissory notes or cards,\* issued by Manx tradesmen, for sums under twenty shillings. The circulation of these notes injured public credit, facilitated forgery, and nearly banished legitimate currency.† In 1813, the Duke of Atholl expressed his abhorrence of the system,‡ and, in 1816, a local newspaper remarked that “the circulating medium is universally allowed to be in the most deplorable condition,” and that “the inconveniences therefrom are such as to threaten the island with general ruin.”§ To cure this state of things, an Act was passed in 1817 which abolished all notes under the value of £1, made the real and personal estates of the issuers liable for their payment, and ordered that no bank notes of the value of £1 or above should be issued without a licence costing £20.|| This legislation produced a very wholesome effect in promoting the improvement of trade which gradually revived. The revival was assisted by the initiation of occasional steam communication in 1819, and by the regular ¶ establish-

Notes under  
£1 are  
abolished in  
1817.

This and other  
causes of the  
revival of  
trade.

\* There were also a large number of forged Bank of England notes in the island (*Manks Advertiser*, 1811).

† The only Manx notes of undoubted value at this time were those issued by Taubman, Quayle, and Kelly, at their bank in Castletown, which was established in 1802. It may be noted that an “Isle of Man Insurance Co.” was started at Castletown in 1811, but it only lasted a short time.

‡ *Manks Advertiser*, 1811.

§ *Ibid.* £4,400 of old silver was sent from the island in 1815 and new silver got from the mint.

|| *Statutes*, vol. i. pp. 393-4.

¶ A coach was first established in 1803, but did not run for long.

ment of stage coaches in 1821. Very remarkable was the change which the use of steamers for transit between Man and the mainland made in bringing the little island into closer and less intermittent connexion with its neighbours.\* Its full advantage was not felt till 1829, when the steam communication between Douglas and Liverpool became a regular one by the institution of sailings in accordance with the tides, three times weekly. So great was the consequent influx of strangers that, at the end of the year, a Manx company † was formed to purchase “a steampacket for the exclusive service of the Island.” ‡

A check to this revival in 1840 is only temporary.

In 1840, a check to this revival of trade was caused by the troubles about the currency to which we have referred in a previous chapter; § and, in 1843, it suffered a still more serious reverse by the suspension of the Isle of Man Joint Stock Banking Company.||

\* In 1798, there were thirty-two vessels, mostly of small size, plying between Liverpool and the island. Twenty-five of these belonged to Douglas and seven to Ramsey. Thirty of them were traders only, the other two, *The Duke of Athol* and *The Lapwing* also carried mails and passengers, and usually did the passage between Liverpool and Douglas in 24 hours. *The Duke of Athol*, which was the largest, was a sloop of 50 feet keel: the fares 7s. 6d. and 5s. each way. There was a fee on landing of 1s. 6d. to the customs searcher. Passengers found their own food. The first steamers which called at the island were the *Robert Bruce* and *Highland Chieftain*, in 1819, which plied between Liverpool, Port Patrick, and Greenock. In 1821, the St. George S. P. Co. began to run steamers between the same ports, as did the *City of Glasgow*, *Majestic*, and *Superb*, steamers of another company.

† Still in existence.

‡ *Manks Advertiser*.

§ P. 416.

|| This bank was founded in 1836 with a capital of 10,000

Thanks, however, to the abolition of harbour dues in 1844, to the partial removal, in the same year, of the oppressive monopolies granted by the licence system, to a more liberal tariff, and to the permission given to the other towns, as well as Douglas, to import produce direct, trade soon improved, notwithstanding the general commercial depression between 1847 and 1851. Further causes which tended to render Manx trade more profitable than it had been formerly were :

Causes  
rendering  
Manx trade  
more  
profitable.

(1) the provision in the Imperial Act of 1853 that the Isle of Man should be deemed a part of the United Kingdom and that therefore foreign goods, except tobacco and spirits, might be bonded there ; \* (2) the abolition of the last remains of the licence system in that year ; and (3) the great reduction made in the number of dutiable articles in England in 1843, 1853, and 1860.† In 1851, the Bank of Mona, a branch of the Bank of Glasgow, was founded. In 1853, on the failure of Messrs. Holmes's bank, Messrs. Dumbell commenced a private banking business which has since ‡ been formed into a public company ; and, in 1858, the Isle of Man Banking Company started. In 1859, an insular telegraphic company established communication shares of £5 each, the Bank of Wulff and Forbes, which had been established in 1826, having been merged in it. Wulff and Forbes were the first in the island to do a purely banking business, since Messrs. Taubman, Quayle, and Kelly (see p. 587) had other business as well.

\* By Section 346. This was conceded to Douglas in 1854 and to Ramsey in 1862.

† In 1842, 1,052 articles paid duty ; in 1853, 466 ; and, in 1860, 48.

‡ In 1874.

with England. Since 1821, the insular Government has not attempted to interfere with the ordinary course of trade, its work, in this respect, being chiefly in the direction of regulating weights and measures.\* The increase of joint-stock undertakings rendered the Acts of 1851, 1856, and 1865 necessary.† The last of these acts recognized the principle of "Limited Liability," and it ordered that no company of more than twenty persons should henceforth be formed, unless registered as a company under it or another Act of Tynwald.

Chief exports  
and imports.

The chief exports of the island were horses, cattle, sheep, swine, coarse linens, including sailcloth, potatoes, butter, hides, lead, and zinc ore, fresh and cured herrings and other fish, and, till about 1830, kelp; while its chief imports were coal, salt, iron, tobacco, spirits, groceries, and haberdashery.

Industries.

We now have to deal with the insular industries. After 1765, as we have seen, all Manx products, except woollen goods‡ and beer, the exportation of which was prohibited, could be landed in England

\* Its main object was to insure that such articles as coal, potatoes, bread, corn, flour, and meal should be sold by weight and not by measure. It therefore fixed the weights of a bushel of corn, &c., as follows: Wheat or rye, 64 lbs.; barley, 56 lbs.; oats, 42 lbs.; peas or beans, 60 lbs. A boll of wheat or rye was 256 lbs., at 4 bushels to the boll, while a boll of barley was 336 lbs., and of oats, 252 lbs, at 6 bushels to the boll. (*Statutes*, vol. ii. pp. 32-3, 137-41, and 293-4; vol. iii. pp. 100-2.)

† *Statutes*, vol. ii. pp. 282-8 and pp. 360-419; vol. iii. pp. 258-321.

‡ Manx wool was allowed to be exported to England only.

duty free;\* and, till 1833, bounties were given to those who spun the most linen yarn, and wove and exported the greatest number of yards of linen cloth.† The domestic manufactures of the island were no doubt stimulated by this legislation, and continued to flourish during the greater part of this period, such articles as linen and woollen cloths, nets, coarse hats,‡ gloves and snuff§ being the chief products till they were gradually superseded by the introduction of machine-made goods.||

The manufacture of kelp¶ (for the most part, consumed at home in soap-making) was, till about 1830, when it was put an end to by the discovery of a process for decomposing sea-salt,\*\* a fairly large industry. Notwithstanding the bounties, the Manx export trade was comparatively a small one, until factories were established. The first of these was started at Ballasalla, in 1779, for spinning cotton, which was exported to England to be woven into cloth there. It was at this factory that the spinning-jenny was first used in the island. For twelve years†† a flourishing business was carried on, but, in 1791, the customs officials in Liverpool discovered that it was

Establishment  
of factories.

\* Commissioners' Report, App. (A), No. 17 and App. (B), No. 44.

† Acts 5 and 7 Geo. III.

‡ These were made "of coarse woollen, in substance extremely thick and heavy" (Teignmouth, vol. ii. p. 209). They cost 2s.

§ Woods, p. 166. Ballasalla was famous for its gloves.

|| A small quantity of flannel and woollen cloth is still spun and woven.

¶ Quayle, p. 141.

\*\* By this the crude carbonate of soda was obtained at a lower price and of a better quality than from sea-weed.

†† Woods, p. 57.



in direct contravention of the Act of 1765, which prohibited "the importation from Man into Britain of any foreign goods, hemp and flax excepted, whether in their raw state, or wholly or partly manufactured, either with or without any native materials,"\* and they, therefore, put a stop to the importation of cotton yarn into Liverpool. The owner † of the mill complained to the commissioners, who were then sitting in the island, and they recommended that he should be allowed to export his yarn duty free. But no notice was taken of this recommendation till 1798, so that the factory had, in the meantime, to be closed, and was not re-opened, though, in that year, "cotton yarn or cotton cloth, being the manufacture of the Isle of Man" ‡ was allowed to be imported into Great Britain duty free, and this was confirmed in 1805.§ A manufactory for the printing of cotton cloth was also established about this time, but was soon abandoned. About 1790, flax mills began operations, and these were successful because there was a considerable home demand for linen goods, and, as we have seen, their export was not only permitted, but, until 1833, encouraged by bounties.|| They were also favoured by

\* Act 5 Geo. III. See Commissioners' Report, App. (B), No. 44. It may be noted that, in 1778, Ireland had obtained the privilege of exporting cotton yarn.

† Abraham de la Pryme.

‡ 45 Geo. III. cap. 99.

§ 38 Geo. III. cap. 63.

|| The average annual number of yards of linen exported between 1781 and 1790 was 50,640; between 1791 and 1800, 50,685; and between 1801 and 1810, 58,830 (Quayle, p. 179).

possessing excellent water power.\* The largest of these mills, which originally made "sheeting, towel-ling, sailcloth, and sackcloth," † but, since about 1850, sailcloth only, is at Tromode, near Douglas.‡ Cotton nets for the herring fishery § were also made there by machinery between 1852 and 1866.|| A woollen mill was started at the "Union Mills" in 1807, where the fleeces of Manx sheep were mainly used, and, at a later date, similar mills were founded at Sulby and St. John's, † as well as paper mills and tanneries in various localities. For a time, too, the illegitimate trade in corn and flour, referred to in § 3, flourished, and was the cause of the building of some large flour mills. It was about 1848 that machinery driven by steam power was first used in any of these factories and mills, and this, being applied to weaving as well as spinning, led to a large and profitable expansion of their output. Breweries also flourished, there having been, in 1810, no fewer than twenty-two of them.¶ In 1823, the brewers were prohibited, in the agricultural interest, from using sugar

\* This was applied to spinning only, not to weaving, which, till the introduction of steam power, was carried on by hand only.

† Woods, p. 58.

‡ There was a large flax mill at Laxey which was destroyed by fire in 1812.

§ Till 1852, herring nets were made of coarse hempen thread called *jeebin*, which was spun by the fishermen's families.

|| In 1866, these machines were sold to a Peel manufacturer.

¶ Distillation was forbidden by the Act of 1767 (7 Geo. III. cap. 45), but, up to 1813, when the stills were discovered and destroyed, a good deal of illicit distilling went on.

Shipbuilding.

molasses or other substitutes for malt, and this remained the law till 1874.\* The next important Manx industry is shipbuilding. There must always have been a considerable amount of it in the island, and, notwithstanding the imposition, in 1780, of a duty of 10 per cent. *ad valorem* on the importation of foreign timber,† it slowly increased till 1828, when it received a sudden impetus from the establishment, in Douglas, of a shipbuilding yard, called Bath Yard, where several fine barques were launched, some being of as much as 500 tons burthen.‡ In 1834, a shipyard was started at Ramsey, and another, in 1835, at Peel. A local newspaper at this time expresses an opinion that “the gigantic strides of our shipbuilders have excited the alarm of our neighbours,”§ and that the agitation on this question in England would cause a higher duty to be laid on timber. In 1837, the British Government had actually intended to do this, but the Manx delegates protested so strongly against it, both then and in 1845, that, though the form of duty was altered in the latter year, its amount was only slightly raised.|| Shipbuilding, therefore, went steadily on and, between 1853 and 1866, when there was no duty on timber imported into the island, it greatly flourished.¶

\* *Statutes*, vol. i. pp. 420–1, and vol. iv. p. 383. The export of malt to England was forbidden in 1828.

† In 1767, a tax of 5 per cent. was imposed.

‡ The “King Orry” steamer belonging to the Isle of Man Steam Packet Company was built in this yard in 1841.

§ *Manks Advertiser*.

|| See Appendix A.

¶ The Manx duty on timber was abolished in 1853 and there-

Many fine schooners of from 100 to 200 tons were launched, mainly from Peel, and they earned such a reputation for swiftness that they were largely employed in the fruit trade.\* Herring fishing boats were also turned out in increasing numbers, and their size and speed underwent steady improvement. Between 1834 and 1848, another industry, that of printing newspapers, attained abnormal dimensions. Printing. This was due to an Imperial Act, passed in 1834, which granted to the Isle of Man and the Channel Islands the right of transmitting newspapers post free to all parts of the Empire. One result of this was that adventurers set up printing presses in the island and produced extensive issues of newspapers solely for circulation out of it. So many persons of doubtful character embarked in this business that, in 1846, an Act of Tynwald was passed which enacted that no persons should print or publish a newspaper till they had signed a declaration specifying their names, descriptions, and place of abode, the places where their papers were printed and the titles of their papers.† These regulations, however, had but little effect in checking the number of the publications, and to such an extent did they interfere with the circulation of English newspapers that, in 1848,

fore Manxmen could import timber from Norway free, though Englishmen had to pay a heavy duty on it. In 1860, the English duty was considerably reduced, and, in 1866, it was repealed, so that this advantage ceased.

\* In 1853, six of them were chartered by Portuguese merchants for this trade.

† *Statutes*, vol. iii. pp. 159-166.

an Imperial Act was passed \* to make all newspapers sent from the islands aforesaid liable to the full rates of postages to Great Britain and Ireland; but they were permitted, for some years longer, to send them free to France, Belgium, Spain, and any British Colony. When this last privilege was withdrawn, they soon disappeared. These newspapers were quite distinct from the ordinary local newspaper, the earliest of which, *The Manks Mercury and Briscoe's Douglas Advertiser*,† was first issued in 1792.† It came to an end in 1801. The more successful *Manks Advertiser* began in 1801 and lasted till 1845. The newspapers at present circulating in the island are the *Manx Sun*,‡ the *Mona's Herald*,§ the *Isle of Man Times*,|| the *Isle of Man Examiner*,¶ the *Peel City Guardian*,\*\* the *Ramsey Courier*,†† the *Ramsey Weekly News*,‡‡ and the *Manxman*.§§

Acts dealing  
with  
industries.

The spread of industrial enterprise generally after 1860 is shown by the passage of Acts for abating the nuisances arising from the smoke of furnaces and factories in or near towns and for making arrangements for the working of telegraphs and construction of railways.\* No railway was, however, constructed during this period, though, as early as 1845, there had been a scheme for one between Douglas and Peel.

\* 11 and 12 Vic. c. 117. See Gell (*Manx Soc.*, vol. xii. p. 216). † Dates of first issue are given.

‡ Originally "The Rising Sun," 1821. § 1833.

|| 1861. A daily issue of this paper was started in 1897.

¶ 1880. \*\* 1882. †† 1884.

‡‡ 1889. §§ 1895.

||| *Statutes*, vol. iii. pp. 36-40 and 209-48.



§ 3. *Smuggling.*

The *Mischief Act* of 1765,\* though it did not, as will be seen, put an end to the operations of the smugglers, reduced, at first, not only them, but the inhabitants of the island generally, to a panic-stricken condition. This is graphically described by an eyewitness as follows: "Nothing now, but anarchy and confusion . . . as it was not possible, on so short a time, to get off all the inhibited stuff, the merchant was obliged to secure it as well as he could in remote and distant places. Those who knew of this in many cases betrayed their trust, either directly or indirectly giving informations; others purloined what was thus deposited, others stole from the stealers, and others from them again. Bands of armed men go about the country terrifying the people and entering their houses in search of teas, &c. Mr. Lutwidge, the general surveyor, has no less than 50 coast officers and tide waiters along with him, planted in the several ports, besides the crews of 2 or 3 cutters at call. All this must naturally occasion riotous and tumultuous doings. One side in pursuit of and chastising with great severity those they suspect to be informers, and the other side protecting and defending them. 'Tis a very melancholy situation we are in . . . all our people of property are making up their matters as fast as they can and preparing to quit a place governed by martial law and the violence of arms.'"\*

Position of  
affairs after the  
passage of the  
*Mischief Act*.

\* Letter from Philip Moore to Bishop Hildesley, dated July, 1765 (MS.).

This state of things, however, did not last long. Smuggling soon recommenced, and, in 1767, the passage of an Act which repealed the duties imposed by Tynwald, substituting for them much heavier duties levied by the authority of the Imperial Parliament, and limiting the quantities of spirits, tea, and tobacco to be imported from England,\* actually encouraged it, though it injured legitimate trade. The same effect was produced by the large increase of taxation in England after 1776. These statements are proved by the evidence given to the commissioners, in 1791, to the effect that large quantities of French brandy and geneva were smuggled both into and out of the island, though their importation was prohibited,† that not a gallon of British spirits, and not one pound of tea ‡ had paid duty for many years, though these commodities had been largely consumed.§ Tobacco was also extensively smuggled into the island because persons unconnected with the island got licences “under fictitious names, for the quantity importable,” § and

The Act of 1767.

The smuggling continues.

\* 7 Geo. III. c. 45.

† Commissioners' Report, Appendix (B), Nos. 77 and 79. See also § 2 “Trade.” It should be borne in mind that these commodities were not allowed to be imported from any other country but England.

‡ *Ibid.* No duty had been paid on tea since 1764, though the amount of the duty does not appear high, being 1s. up to 1780, and 6d. after that date, especially considering that the price of tea was about 6s. per lb.; but it must be remembered that, till 1784, when it was reduced to 12½ per cent., the English duty was 119 per cent. By 1806, it had again risen to 96 per cent., and, after that date, it gradually fell.

§ *Ibid.*, (D), No. 26.

then sent "the refuse of the market"\* to Man, where it was sold at an extravagant price. Salt, which was allowed to be imported in unlimited quantities to any port in the island from Great Britain and Ireland, without duty, was illicitly sent back again.\*

To cure this state of affairs, the commissioners recommended an annual admission of a limited and licensed quantity of foreign spirits, subject to a small duty, a reduction of the duty on tea,† the stationing of revenue cutters off the island,\* and the extension of certain of the salt laws of Great Britain to it.‡ They also advised the registry of all boats employed in the herring fishery,§ and the revision of the revenue laws.|| Most of the commissioners' suggestions were carried out by the Act of 1798;¶ the whole system of collecting customs was radically changed, and the staff of officials largely increased. These reforms, together with the stationing of armed revenue cutters and cruisers

Recommendations of the Commissioners of 1791.

\* Commissioners' Report, Appendix (D), No. 26 and (B), No. 82.

† *Ibid.*, p. 44.

‡ *Ibid.*, p. 47.

§ *Ibid.*, p. 48. Hitherto, in accordance with the Act of Parliament of 1780, only boats over fifteen tons burden had been registered.

|| *Ibid.*, pp. 49-50.

¶ "An Act for the further encouragement of the Trade and Manufactures of the Isle of Man, for improving the Revenue thereof, and for the more effectual prevention of Smuggling." This Act was continued till 1805, when, with some alterations in the proportions of spirits allowed to be imported, it was confirmed. By it the importation of British spirits, except rum of the British colonies, was prohibited. As British spirits were not consumed in the island at this time, it had of course no effect (38 Geo. III. c. 63).

off the island, resulted in the decrease of smuggling and the rapid increase of the insular revenue. After 1798, smuggling still continued, but it consisted, almost entirely, in smuggling out of, not into, the island. Thus, in 1805, J. C. Curwen, speaking in Parliament, said, "No inconsiderable proportion of duties arise in the Isle of Man on commodities paying low duties, afterwards clandestinely re-shipped and smuggled back again" to England. The total amount of smuggling was, however, evidently much smaller, though salt,\* till about 1810, brandy,† till 1846, and tobacco, between 1819 and 1826,‡ were objects of a considerable illicit traffic. For a short time, also, two other methods of defrauding the Imperial revenue were practised. The first arose after 1823, when the privilege, which the Manx had always enjoyed, of importing foreign corn free § was abused by importing foreign wheat from the bonded warehouses in Liverpool into the island, grinding it into flour there to avoid the duty, and then exporting it to England as Manx flour.||

\* The tax on salt was 15s. per bushel, or about fifteen times its value in 1805, but it was soon afterwards greatly reduced.

† The English tax on brandy was 14s. per gallon in 1807, 20s. 7d. in 1812, 18s. 10d. in 1814, 25s. 6d. in 1825, 22s. 10d. in 1840, 15s. in 1846, 10s. 5d. in 1860.

‡ This tax was largely increased in the former year and reduced in the latter.

§ See p. 586. Till 1822, practically no foreign wheat was imported into England. In 1830, 1,701,885 quarters, and in 1842, 2,977,302 quarters, were imported.

|| No less than 25,141 quarters of wheat are said to have been treated in this way in one year (*Manks Advertiser*).

This practice continued till 1828, when an Imperial Act\* was passed to put an end to it. The other method of cheating the customs was the importation of English machinery into the island, as if for insular manufacturers, and then exporting it to the Continent. This was stopped in 1844. Isolated cases of smuggling occurred till 1853, after which date, owing to the increase of duties, it practically ceased.

Smuggling  
practically  
ceased before  
1853.

#### § 4. *Revenue and Expenditure.*

By the Act of 1767† any surplus revenue, re-  
 maining after the payment of the expenses of  
 Government and of the encouraging, improving,  
 and regulating the trade, manufactures, and fisheries  
 of the island, was reserved for the disposition of  
 Parliament. This surplus was, however, ordered  
 to be paid into the exchequer “distinctly and apart  
 from all other branches of the public revenue,”‡ and  
 there was, therefore, a reasonable assumption that  
 it was reserved for insular purposes. We shall see,  
 however, that the Imperial Government did not  
 view the matter in that light, but, since there was  
 no surplus before 1796, no question arose till after that  
 date. Before that year, indeed, the revenue, which  
 at one time almost disappeared,‡ was actually less  
 than the expenditure, though this was very small,  
 scarcely anything being spent on the insular harbours

REVENUE.

\* 9 Geo. IV. c. 20.

† 7 Geo. III. c. 45.

‡ In 1766, it was £704; in 1767, £574; and, in 1768, which was the lowest, £530, see Appendix C.



Reasons for its  
small amount.

and public buildings, which, in consequence, rapidly fell into a state of decay. Smuggling was the main cause of this, but it was also due to gross malversation and corruption, as well as inefficient management, on the part of the insular customs officials. Such being the case, the commissioners, who were appointed in 1791, received instructions to investigate all questions\* connected with the revenue.

Report of the  
Commissioners  
in 1791.

They expressed themselves as being thoroughly dissatisfied with "the system of managing the customs," † remarking that it was, "in many of the fundamental and most essential parts and requisites, ill digested, incomplete, and unfit," † that most of the officers ‡ were ignorant of their duties, lax, and disorderly, and that "nothing short of a radical change" could "reach the evil, and communicate order, regularity, and energy." § They further expressed their opinion that the best method of producing this change was "to place the revenue under the management of the Commissioners of the customs for England or Scotland." § And there can be no doubt that they were correct in their conclusions, since the reform of the customs

\* For allegations of the duke, see pp. 534-5.

† Commissioners' Report, p. 33.

‡ They condemned the office of receiver-general, which had become one of revenue purely, because it was a mere sinecure (he acting by deputy), and because it "intercepts and delays the passage into the Exchequer of whatever sums may be remitted from the Island on account of Revenue." (*Ibid.*, p. 34.) This officer was responsible to the English Government only.

§ Commissioners' Report, p. 35.

establishment on the lines indicated by them, together with the passage of Acts reforming and altering the customs duties, eventuated in producing a large and steadily increasing revenue. The first year in which revenue exceeded expenditure was 1796, and, between that date and 1805, the surplus revenue, after paying all expenses, amounted to £23,000. From this period the gross revenue rapidly increased, but, owing to the expenditure on the island not expanding in an equal ratio, the net revenue increased still more rapidly.\* Can it be wondered at, then, that the Manx people, whose harbours were neglected, and whose public buildings were falling into decay owing to the penurious policy of the Government, were profoundly dissatisfied, and that they protested that the surpluses justly belonged to them? We have already referred, in Chapter I. of this Book, to their first effort, in 1781, to obtain these surpluses. Their next was in 1802, when the attorney and solicitor-general, to whom their petition had been referred, stated in Parliament that the only object in imposing new duties on the island was the protection of British trade, and not the acquisition of revenue; and the third was in 1805,† when the declaration of John Christian Curwen in the House of Commons that the surplus revenue had been set apart for the use of the Manx people was not contradicted. In the

Results of the reforms recommended by them.

The accumulated surplus question.

\* Appendix C.

† Their immediate object in this and the other petitions was to prevent the duke from getting further compensation.

latter year a committee of the House of Commons was appointed to enquire into the question. By its report, which was in similar terms to that of the Law Officers of the Crown in 1802, the reasonableness of the protests of the Manx people was amply confirmed. The committee stated that the amount of the surplus to the credit of the Isle of Man was then over £23,000; also that, in addition to this, a material portion of revenue, which must fairly be considered as arising from the Isle of Man, was carried to the account of the British revenue, and so did not appear in the account of the produce of the duties of the island;\* but, while recommending, as we have seen, that the duke's claim should be granted, they did not refer to the claim of the Manx people to the surplus, and the Bill, which carried their recommendation as regards the duke into effect, provided that the Manx surplus revenue should be paid into and form part of the Consolidated Fund, instead of into a separate and distinct fund as before.† In consequence of this the English Government maintained that the absorption of the Manx surplus in the Consolidated Fund gave them the right to the absolute disposal

\* Report of Keys committee in 1891.

† An amendment, which was accepted by the Government and passed, to the effect that, if at any time the surplus, after the herring bounties were paid, should be insufficient to pay the amount due to the duke, the balance should be made good out of the Consolidated Fund, instead of remaining a charge on the insular revenue, never came into operation, since the balances were always more than sufficient for the purpose.

of it, so that the Manx people were actually placed in a worse position than in 1767. Year after year the surplus exceeded the amount payable to the duke, and the excess went to swell the revenues of the United Kingdom. No steps towards putting a stop to this were taken till 1837, when, in consequence of a report that the Government intended to raise the customs duties, the agitation was renewed. A deputation\* was sent to London to interview Lord John Russell about the proposed changes, but, owing to the death of King William IV., they were unable to see him. They therefore wrote to him and informed him that the Isle of Man claimed to be treated in accordance with the principle recognized by the Act of 1778,† by which the revenues of the North American Colonies were declared to be at the disposal of the colonists. They urged that their case was far stronger than that of the colonists, because the Isle of Man, as being an ancient and independent kingdom, stood on a higher footing;‡ that by the Manx Constitution no tax, duty or custom, could be imposed upon them without the consent of the Tynwald Court; that the duties and customs imposed by the Imperial Parliament on the island were in the nature of penalties for the protection of the revenue of the

They take  
action in 1837

\* John Moore and Philip Garrett (members of the House of Keys), Thomas A. Corlett (vicar-general), John James Moore, and J. C. Bluett.

† 18 Geo. III. c. 12.

‡ In 1853 the Keys stated that the island had "all the essence of an independent state" (Parl. Papers, p. 47).

United Kingdom, and that they should not be increased beyond the amount necessary for doing this.\* They then presented him with a statement showing that, even after deducting the sums paid to the Dukes of Atholl for the insular customs, there still remained a surplus to the credit of the island.† We are not informed what Lord John Russell said in reply to these contentions, but it is probable that his answer was much the same as the following, which was received when the question again arose in 1844: “The revenues of the Isle of Man belong to the public, on whose behalf they were purchased of the Duke of Atholl, and, after

The answer of  
the English  
Government.

\* These arguments were repeated in 1853 and 1866.

† We have not been able to obtain a copy of the original statement, the following being merely an estimate:—

Surplus revenue, 1796–1835	£383,349
To the Atholls, in 1765, for customs...	£24,000
Annuity to Duchess, 1765–1804 .....	69,600
„ Duke, 1805–1825 .....	60,000
Paid to Duke in 1826 (for annuity under the Act of 1805).....	150,000
Deficit to 1796 .....	31,000
Red Pier and fortifications.....	34,000
	<hr/> 368,600
Surplus...	£14,749

The £100,000 for the patronage of the bishopric and fourteen advowsons was not included, since the Government could not expect to get paid for this, nor was the £167,144 for the rents, demesne lands, mines, &c., because it derived an income from them. This income has been nearly £8,000 per annum between 1830 and 1899, which gives about 4 $\frac{3}{4}$  per cent. on the capital. Full particulars as to the items of this income are given in Appendix D.



the current expenditure of the Island is defrayed, under sanction of the Lords Commissioners of Her Majesty's Treasury, the surplus is available for the general purposes of the country." \* Notwithstanding this, there is no doubt that the action of the Government with regard to the harbour dues † was equivalent to a declaration that it did not intend to press its claim for any additional surplus from the island, and that such additional surplus, if any, should be spent there. After 1844, no further question was raised till 1853, when the Keys, on a letter from the secretary of the Treasury to the governor, with a proposal to increase the customs duties, being laid before them, stated that "all observations they make upon the subject of the revenue derived from the Isle of Man are so made under a conviction that the Legislature of this island have a clear and undoubted right to the use and application of the surplus of such revenue beyond the amount paid for the Government of the Isle of Man." ‡ They passed certain resolutions, among which was one that "the whole of the surplus revenue arising from the customs duties" should be "annually paid over to a separate account, and applied by the Tynwald Court for public improvements in the Isle of Man," § and they appointed delegates to go to London to fully represent their

\* *Manx Sun*.

† See p. 628.

‡ Parl. Papers (1853), p. 13.

§ *Ibid.*, p. 14.

† Messrs. Callister and Dumbell. Governor Hope and the Council co-operated with the Keys in the effort to secure a favourable settlement.

views to the Government. These delegates made the following proposals, as a condition of the assent of the Keys to the increased tariff: That the island should be required to contribute a sum of £20,000 annually to the Imperial revenue, out of which the Treasury should pay all the expenses of the insular Government, including the £2,300 in lieu of harbour dues, and that all the surplus above that amount should be dealt with as directed by the governor and Tynwald. The Treasury replied that it was "expressly enacted that all the surplus revenue should be paid into the public exchequer," but that, since "their object in the arrangement connected with an increase in the duties" was "not to increase the revenue derived from the Isle of Man," they would "be prepared to add to the sum of £2,300 . . . such further sum as, upon computation, it shall appear as likely to be received under the changes of tariff now proposed." \*

This sum, which was estimated at one-ninth of the revenue,† was to be handed to the Harbour Commissioners, but the decision as to what public works it was to be applied to was to be entrusted to the governor and Legislature, instead of to the Harbour Commissioners,‡ who were not then responsible to the Tynwald Court, on the under-

\* Parl. Papers (1866), p. 2. These papers give a summary of the much more lengthy "Papers" of 1853.

† This was fixed at £3,141 annually.

‡ See Parl. Papers (1853), p. 63. But, when this decision had been come to, the commissioners had the spending of the money as before.

standing that it was to be expended on harbours preferentially and subject to the approval of the Treasury.\* At the same time "it was conceded in principle . . . that the Government would not impose new taxes, or increase existing ones, without the consent of the people of the island," and it was stated that there was "no intention to interfere with the peculiar privileges of the Isle of Man."† Although the question of accumulated surplus, as well as of the whole surplus of each year, was reserved, there is no doubt that the position of the Manx people was greatly improved by the new arrangement. In the following year, however, they were forcibly reminded that their control over their revenue was still strictly limited by a curt communication from the Treasury to the effect that they were "unable to recognize the proportion of the public revenue derived from the Isle of Man in any other light than that in which they regard the revenue from any locality of the United Kingdom."‡ This communication was in reply to a protest, both from the Tynwald Court and the inhabitants of the island, against the passage of an Act§ which ordained that the gross customs revenue of the island should be paid into the Exchequer before, instead of after, the deduction of expenses attending the government of the Isle of Man and the main-

\* By 16 and 17 Vic. c. 107. † Parl. Papers (1866), p. 2.

‡ Parl. Papers (1864), p. 13. The protests referred to, as well as one in 1856, asking, but in vain, that all the customs dues collected in the island might be devoted to local purposes will be found in these papers. § 18 and 19 Vic. c. 94.

tenance of its harbours and other public works were paid." This was contrary to all previous legislation. But the change was more apparent than real, and the solid gain resulting from the concessions of 1853 was shown by the sudden rise in the expenditure from an average of £9,884 annually, in the decade 1836-45, to £14,168, in 1846-55, and to £16,580, in the 11 years 1856-66, and by a check in the expansion of the average annual surplus, it being £13,612, in the first period, £12,651, in the second, and £13,167, in the third.

Nevertheless, the Manx people were not yet satisfied with their treatment, and the negotiations were therefore resumed in March, 1865, when Governor Loch, after consultation with the Council, wrote to the Treasury submitting certain proposals for changes in the tariff, "rendered desirable from circumstances which have arisen necessitating a larger expenditure on public works in the Island than the ninth of the revenue can supply."\* These proposals were, for the most part, accepted by the Treasury, but they stated that the Government had lost by the arrangement made in 1853,† and declared that the basis of any new arrangement must be that "the effect upon the revenue should be at the risk of the Island, . . . and that, instead of

\* *Manx Blue Book*.

† They can only have had the amounts of the gross receipts up to 1860 before them. Up to that year their payment to the island of £3,141 annually averaged somewhat more than the one-ninth, but for the whole period 1853-1866 it appears to have averaged somewhat less.

Result of the  
concessions of  
1853.

Negotiations  
resumed in  
1865.

a proportionate amount of the gross receipt being paid to the former, the sum going to the Exchequer should be fixed by law”\* If the island was willing to undertake this risk, the Government would agree to the Tynwald Court having the control of the surplus revenue, subject to certain conditions and charges. The most important question which arose was the amount to go to the Exchequer annually. This, after a much larger sum had been asked, was ultimately fixed at £10,000 a year or  $4\frac{1}{2}$  per cent. on the sum (£220,000)† alleged to have been paid to the Duke of Atholl for the customs, which the Government considered “a very moderate return to ask from the Island,” seeing that its “military and naval defence is entirely at the expense of the United Kingdom,”‡ and its inhabitants enjoy the privileges of British citizenship without its burdens.”† These preliminaries having been settled, it was decided that the Tynwald Court should have the control of the surplus revenue, subject to the supervision of the Treasury and the veto of the governor, after the payment of the following charges: (1) The cost of government, including customs pensions; (2) the charges for the civil government, including the harbour fund of £2,300; (3) the expenses incurred by the Imperial Government for the island, and paid from votes of Parliament (but not including military

Conditions on which Tynwald gained control of surplus revenue.

\* Parl. Papers (1866), p. 19.

† We have already seen (p. 606) that this is not the correct amount.

‡ Parl. Papers (1866), p. 19.



charges except for the coastguard);\* (4) one-ninth of the gross customs duties to be set aside for harbour and other public works, subject to the control of Tynwald; (5) two-ninths of the gross customs duties to be mortgaged by the Harbour Commissioners† for harbour improvements;‡ (6) a fixed contribution of £10,000 to the Imperial Exchequer;§ and (7), after payment of the foregoing, the surplus for general public purposes in the island. Thus did the insular Legislature obtain a substantial share in the control over the revenue, and the expansion of Manx enterprise was no longer prevented by the impossibility of adequately carrying out much-needed public improvements. But the Manx people, as we point out elsewhere,|| gained much less than they expected, and, in after years, when it dawned upon them that the question of the accumulated surplus had not been raised during the negotiations, a fact

\* At that time there were certain expenses connected with the island paid in London, but this is not the case now, since it now discharges all its liabilities direct.

† These conditions were laid down in the "Isle of Man Customs, Harbours, and Public Purposes Act, 1866" (29 Vic. c. 23). The borrowing powers were entrusted to the commissioners, but the determination of the works upon which the money was to be expended was left to Tynwald, as it had been since 1853.

‡ By Treasury Minute of the 5th of July, 1866, which explained the various conditions laid down by the Act, it was ordered that the interest obtained on that security was to have priority to the payment of £10,000.

§ Subject also to a charge for Port Erin harbour which has since then been disposed of.

|| Book VI. ch. i. § 2, where we deal with the effect of these changes on the Constitution.

which, curiously enough, seems to have been lost sight of by them at the time, a feeling of irritation arose which time has not yet removed. Few dispute the fairness of paying the annual sum of £10,000 to the Government for naval and military protection, and, if it had demanded this sum on these grounds before, as well as after, 1866, and, in this way, much more than absorbed the surplus revenue, it is probable that very little objection would have been made. But the irritation referred to arose rather from the fact of the claim for the £10,000 being treated by the Government as interest on the capital sum paid to the Duke of Atholl, which (if regarded as a liability on the island at all) might, it was thought, be well deemed to be extinguished by the annual surpluses received up to 1866, which amounted to a much larger sum. We are not, unfortunately, in a position to state what the exact total amount of this accumulated surplus is, because (except between 1766 and 1805\* and some of the years from 1846 to 1866) we have not been able to obtain access to the original accounts—indeed we are informed that most of these accounts have disappeared. We have had, therefore, to content ourselves with the summaries of revenue and expenditure, purporting to have been copied from the original statements, which have been published in *Manx* newspapers from time to time. There is,

\* For period 1766 to 1791 see Commissioners' Report, Appendix (B) No 9. We have also the statement made in the House of Commons in 1805 that the surplus for the period 1796-1805 was above £23,000.

however, no reasonable doubt that the surplus due by the Imperial Government to the Isle of Man in 1866, after payment of all the claims of the Atholl family, was a very large one. It would seem, however, that the governor and Tynwald Court committee engaged in the negotiations were so impressed with the belief that the Government's proposals were very advantageous, that they did not venture to raise the accumulated surplus question for fear of their being withdrawn. In 1891, however, a committee of the Keys endeavoured to get some information from the Treasury with regard to it, but they only succeeded in eliciting the unsatisfactory reply that "My Lords" were not "able to ascertain whether any net revenue between 1805 and 1825 can be specifically attributed to the Act of 1767, but as the annuity to the Lord was commuted for £150,000 it evidently exceeded in value the whole net revenue." \*

#### POST OFFICE.

We should not omit to notice that during this period the revenue for the first time received some addition by the establishment of an insular Post Office in 1767.† It would appear that letters had previously been conveyed to and from the island by private enterprize, but, in and after that year, the Government chartered a packet ‡ for the conveyance

\* That this statement is incorrect will be shown by reference to Appendix C, where full particulars of revenue and expenditure between 1766 and 1866 are given.

† The only account there is of this, till 1851, is for the decade 1782-91, when the receipts were £347 and the expenditure £179. These receipts were increased by the Act of 1805, by which additional rates were imposed on letters to and from the island.

‡ By Act 7 Geo. III. cap. 50. A single letter paid 2d., a

of the mails between Douglas and Whitehaven, which sailed once weekly. In 1822, the mail service was transferred from Whitehaven to Liverpool, but, though there had been steamers running to the island since 1819, the letters continued to be taken by sailing vessels till 1825, when they were entrusted to a Liverpool line of steamers, calling at Douglas on their way to and from the Clyde. The mail was still, in accordance with the contract, once a week only, though in the summer letters were actually taken more frequently. In 1833, a contract was made by the Postmaster-General with the Isle of Man Steam Packet Company for the conveyance of the mail twice weekly between Douglas and Liverpool and *vice versa*.<sup>\*</sup> In 1839, the rate of postage to and from the island was made uniform with that throughout the United Kingdom, and, in 1840, this rate was fixed at a minimum of a penny, and a money order department was established. Till 1842, people had to call at the office in each town for their letters, but, after that date, letters were taken round the towns only by postmen.<sup>†</sup> In 1851, the postage on letters from the island amounted to £3,595 annually, and the expenditure was £1,495,

double 4d., and treble 8d. from Whitehaven to Douglas, or *vice versa*. The inland postages were to be at the same rate in the Isle of Man as in England. By the 1st of Victoria, c. 34, the rates within the island were, not exceeding fifteen miles 4d. per oz.; exceeding fifteen and not exceeding twenty, 5d.; exceeding twenty and not exceeding thirty, 6d.

<sup>\*</sup> The Company was paid £850 per annum for this.

<sup>†</sup> In 1845, there were only two letter-carriers in Douglas. The post office was then in Thomas Street.

including the mail contract; and yet, in 1853, the Lords Commissioner of the Admiralty, who, in 1837,\* had taken over the administration of the insular post, would only renew the contract on the same terms as in 1833, and they declined to accede to a memorial from the island praying for at least three mails a week.

**EXPENDITURE.** In discussing the revenue we have already incidentally referred to expenditure, a summary of which has been given in Appendix C. Of the items of which the total amounts stated were composed very little information is obtainable. We know that between 1805 and 1826, £3,000 annually was paid to the Duke of Atholl, that £24,000 was spent on the Red Pier, £10,000 on fortifications, £2,000 (in 1841) on the Tithe Valuation, £1,050 (in 1845) on public works, and £4,350 on public buildings, including Douglas Court House (between 1847 and 1850); also that, after 1844, £2,300 was set aside for harbours, and that, after 1853, one-ninth of the gross customs revenue, fixed at £3,141 annually, was applied in the same way. The chief regular items were (1) Civil List, which was £1,474 in 1790, it having averaged about £1,300 between 1771 and that year; in 1799, it was £2,114; in 1803, £2,204; in 1830, £4,705; in 1843, £4,757; and, between 1847 and 1853, on an average, £6,400.† (2) Cost of collection, which was £1,803 in 1790,

\* This was restored to the Post Office in 1860.

† No further statistics either of Civil List or of cost of collection are procurable till after 1866.



£2,700 in 1792, £1,910 in 1830, £2,988 in 1843, and, on an average, between 1847 and 1853, £3,300.\* (3) The salaries to the Revenue officers, which averaged about £800 between 1767 and 1791, being £919 in the latter year. They were £961 in 1800, and £1,246 in 1802, about £4,100 in 1826, and about £5,500 in 1866.

By the *Mischief Act* of 1765,† the British Parliament obtained the control of the insular customs establishment. It then became necessary to make further provision for the expenses of its government, and so Parliament, in 1767, assumed, for the first time,‡ the power to impose taxes on the Manx people, by enacting new customs' duties, and by, at the same time, repealing the duties levied by the Tynwald Court.§ By the Act of 1767, the Commissioners of Customs were empowered to grant licences for the importation of a limited

TAXATION.

Effect of the Act of 1767.

\* See Appendix E for Salaries.

† It may be mentioned that in this year the Commissioners of the Customs in the island presented a memorial to the Treasury, praying for annexation to Cumberland. This memorial was shown to George Moore, Speaker of the House of Keys, then in London, who represented that "the British duties on coals and salt, with taxes and excises on the interior commodities were burthens quite disproportionate to the abilities of the people." His representations were successful in preventing the proposed change, and so he congratulated himself on having "contributed to avert the total ruin of the Isle" (MS. letter to Bishop Hildesley from George Moore, afterwards Sir George).

‡ Except for a small fee exacted from Manx seamen in 1745 for the support of Greenwich Hospital.

§ 7 Geo. III. c. 45. "In the previous year," says Sir James Gell, "the Parliament had asserted their right to tax

quantity of British spirits (including rum\* from the British plantations), tea, coffee, &c., at low duties, while the importation of foreign spirits was prohibited.†

Changes made  
by subsequent  
Acts.

In 1780, some slight changes ‡ were made in the duties; and, in 1798, ‡ further changes were made, the importation of foreign spirits being allowed and that of British spirits prohibited. In 1805, the duties granted under previous Acts were consolidated, and they were ordered to be raised under the authority and direction of the Commissioners of Customs in England. Customs Acts were also passed in 1810, 1811, 1821, 1825, and 1833. That of 1821 increased the duties on spirits and tobacco, and that of 1833 increased the duty on wine and took off the duty on coal. Till 1837, the Manx people bore these various changes almost without protest, though there was a growing sense of the injustice of depriving them, not only of any control over the revenue § arising from the duties, but of any share in fixing what these duties were to be. The chief specific grievances

Chief  
grievances.

the American colonists against their consent . . . no greater, and probably a lesser, right existed in the Parliament to tax the people of the Isle of Man" (*Manx Soc.* vol. xii. p. 142).

\* This spirit produced much more revenue than any other item, the duty on it amounting to £3,458 in 1790. Tobacco in the same year gave £2,556, it having risen from £807 in the previous year. The duties on other British spirits averaged about £400 yearly between 1770-2 and 1780-4.

† This prohibition was a most fertile source of smuggling.

‡ Appendix A.

§ We have already seen what the deputation, which then went to London, urged about the revenue.

were caused by a proposal to impose a duty on the import of British, as well as foreign timber, \* by the *ad valorem* duties, and by the continuance of the licence system. Nothing was, however, done at this time, probably owing to the change of Ministry, either to increase taxation or to redress grievances. It was, therefore, reserved for Dr., afterwards Sir John, Bowring, M.P., who took a warm interest in Manx affairs, to point out, when the question again arose in 1844, the injustice inflicted by the *ad valorem* duties and the licence system. When it is remembered that the *ad valorem* duties, which were 15 per cent. on some articles † and 5 and 2½ per cent. on others, ‡ were charged over and above the duties that had been already paid on them, if they came, as they generally did, from or through the United Kingdom, it will be seen how unfair they were to the Manx people; the 15 per cent. duties, in particular, bearing heavily on the fishing and agricultural interests. It was largely due to Dr. Bowring's able arguments in the House of Commons, in 1844, that the 5 per cent. and 2½ per cent. duties were done away with and the 15 per cent. duties suspended, § while the greater part of the licence system was got rid of. Large reforms were at this time being made by Sir Robert Peel in reducing the duties on articles of necessary consumption, by which the Isle of Man

Reforms in  
1844.

\* This proposal was not renewed.

† *E.g.*, clover seeds, guano, tanner's bark, tar and pitch.

‡ Every article of foreign food, and on all goods, with very few exceptions, of British manufacture.

§ They were afterwards dropped and not renewed.

benefited. Thus, in addition to the reductions already referred to, the duty on iron was abolished,\* also that on coffee, but, unfortunately, that on tea was increased from 6d. to 1s. per lb. and those on spirits were reduced. In 1853, the question of re-adjustment of Manx duties was again brought forward by the Treasury. The main provisions of the Bill† embodying its views were that the Isle of Man was to be included in a general Consolidation Bill‡ for regulating the customs duties of the United Kingdom, that the licence system and the 15 per cent. duties were to be abolished, and that the duties on spirits were to be increased, though still remaining considerably less than in England. Other changes were the reduction of the duty on sugar, and the repeal of the duty on timber. Objections were made by the insular Legislature to the effect that the island should have been placed in a distinct Act and that the rates of the duties were greater than was necessary to prevent smuggling. The Treasury replied that its object in placing Man in a general Act was merely one of convenience, that it had no intention of interfering with the peculiar privileges of the Manx, and that,

\* The duty on English corn was put on a sliding scale of from 1s. to 24s. 8d. per quarter according to price, instead of 10 per cent. In 1846, the scale was altered to from 4s. to 10s., and, in 1849, a fixed duty of 1s. was established.

† 16 and 17 Vic. c. 106.

‡ Contrary to the provision in previous Acts that the Manx Revenue should be paid into the Exchequer "distinctly and apart from all other branches of the publick revenue" (5 Geo. III. c. 45).

And in 1853.

as to the rates of duties, it had been guided by the customs authorities and the governor. It pointed out that the only articles on which the duties had been increased were foreign spirits, manufactured tobacco, cigars, and rum, while there were, on the other hand, several reductions together with numerous advantages gained by the Manx traders,\* and it declared that its only motive for proposing any

\* They summarized these as follows:—

1. The abolition of the licence system.
2. The admission of British spirits which were previously prohibited.
3. A reduction on refined sugar from 9s. to 6s. and “a removal of the existing restrictions on the use of British refined duty-paid sugar under drawback.”
4. A reduction of the duty on tea from 1s. to 6d.
5. The entire repeal of the duties on timber.
6. Full participation in the advantages of trade possessed by the United Kingdom. Under this last head they explained, that, under existing law, Manx traders were unable to export any foreign goods to United Kingdom, except corn, and that they “will now be able to do so, unless they are subject to a higher duty in the United Kingdom than in the Isle; that other foreign goods as well as corn and flour can now be warehoused in the Isle.” Certain foreign goods can now be imported from any place and not from Great Britain only; that instead of the most important of the foreign goods being only allowed to be imported in British ships, and to the Port of Douglas only, all restrictions would cease, and, instead of the trade of the island with United Kingdom being on the footing of a coasting trade only in respect to certain articles, it will be admitted to this privilege on all articles. They remarked also that the existing Act of 1845 contained numerous prohibitions and a list of rules peculiar to Isle of Man. These were now swept away, and the same code and regulations as in United Kingdom were extended to Isle of Man. In fact, the insular ports were placed in the same position as the ports of the United Kingdom (see Parl. Papers (1853), pp. 15–22. Treasury Minute of 8th July).



changes was to release the trade of the island from the restrictions imposed by the licence system. The Manx delegates \* were, however, not satisfied with these proposals, and they succeeded in obtaining some slight reductions of the duties.

The new Act † was a great step in advance, because it practically ensured the freedom of Manx trade, the only restrictions under it being that the quantity of spirits allowed to be exported from the island was limited, and that power was retained by the Treasury to limit the importation of foreign goods. The chief changes, as regards customs duties, made by it were the increase of duties on spirits, the legalization of the importation of whisky, ‡ which had been prohibited since 1798, and the abolition of the duty on timber. As regards the changes in duties in 1866, a reference to the tariff will show the considerable advance of those on spirits and tobacco. §

Such was the system of taxation imposed on the Isle of Man by the British Government. Up till 1844, it may be succinctly described as an ingenious means of injuring the Manx consumer, by establishing monopolies and of worrying the Manx trader by

\* Dumbell and Callister (see under Revenue).

† Or rather Acts, *i.e.*, "The Customs Tariff Act" and "The Customs Consolidation Act," 16 and 17 Vic. c. 106, and c. 107.

‡ This resulted in a greatly decreased consumption of brandy and gin, especially the latter, and it was found that, notwithstanding the increased duties, the retail price of spirits was not higher, since the abolition of licences allowed full competition between the dealers.

§ Appendix A.

Practically ensured the freedom of Manx trade.

Description of the system of taxation and its results.

enforcing a number of absurd and complicated regulations. But its worst feature was that, by the comparatively small duties it placed upon spirits imported into the island, as compared with those imported into England, it not only encouraged smuggling to the adjacent coasts, but promoted drunkenness. Most of the evils and discontents which beset the island between 1765 and 1844 are traceable to these two causes. If a larger revenue had been raised from intoxicating liquors, and if that revenue had been expended on the island, reserving a reasonable sum, as after 1866, in payment for Imperial protection, the condition of Manxland would have been very different from what it actually was. \*

After 1844, however, the Government began to see the error of its ways. The duties on spirits were gradually increased, and the duties on articles of beneficial and universal consumption, such as tea, especially after 1853, were reduced, with the result to which we have already referred.

As regards local taxation, apart from a fee of ninepence payable for a pass which, till 1853, every one had to get before leaving the island, † there continued, till 1860, to be no direct money imposts, except the small sums from public-house licences

Local taxation.

\* It must be remembered that a similar mistake, as regards spirit duties, though not to such a large extent, was made in England.

† Feltham (*Manx Soc.*, vol. vi. p. 115). Though we do not hear of this fee before 1798, it was probably imposed before.

and dog licences \* which were applied to the maintenance of the highways, † and so, as of course many did not require these licences, a large part of the population was entirely exempt from direct taxation. ‡ But, in that year, the Lunatic Asylum Act § provided for the valuation of real estate and for levying a rate upon it, on the basis of this valuation, and, in lieu of highway labour, a rate of three shillings was imposed on every house in Douglas; || the other towns contributing in the same way as the country.

## HARBOURS.

One of the most serious blows to the independence of the insular Legislature and to the prosperity of the island resulting from the Revestment was the loss of all local control over the harbours, which were then placed in charge of the English Treasury, as represented by its officer, the receiver-general, and a body ¶ composed, either directly or in-

\* Excepting also church cess (see p. 851) and certain fees (see p. 635).

† See p. 635.

‡ The lord's rent and mining royalties cannot be called taxes. The sums of 2s. per quarterland and 6d. per intack, payable to the Duke of Atholl in lieu of carriage services ceased to be paid soon after the Revestment (Comrs.' Report, pp. 16-19). The only service of this kind, which was demanded till well on into the present century, was certain days of labour, called "boon" days, from the tenants of the Abbey-lands.

§ *Statutes*, vol. iii. p. 46. This rate was to rank next in priority after lord's rent and tithe.

|| *Statutes*, vol. iii. pp. 97-8.

¶ They consisted of the receiver-general and his deputy, the water-bailiff or collector, the comptroller and searcher of the port of Douglas and the deputy water-bailiffs of the ports of Derbyhaven, Peel and Ramsey.

directly, of the nominees of the Crown, and therefore, not responsible to the Tynwald Court. In 1771, some slight effort was made to supply the want of local knowledge by introducing four "creditable merchants,"\* one representing each of the principal ports, as members of the new Harbour Board, but, since they only formed a minority of it, they were not able to exercise much influence. The consequence of this administration of the harbours by officials who had no interest in the welfare of the island was, as we learn from the evidence given before the commissioners in 1791, that they had gradually fallen into decay.† The commissioners urged that the making of harbours "capable of offering space and convenience to carry on the operations of trade . . . and of yielding shelter and refuge to vessels navigating the perilous and narrow seas which surround the Isle of Man . . . must be deemed objects worthy of the utmost public regard."‡ They also urged the necessity of lighthouses, of which there were none, there being only harbour lights. One result of this report was an effort on the part of the British Government to fulfil a

Their mal-administration and its result.

The report of the commissioners of 1791.

\* They were not paid.

† The Duke of Atholl stated that Douglas harbour was in a ruinous condition, that the pier built at Peel before 1765 had been entirely carried away, and that Ramsey harbour and pier were in a state of "extreme decay," the mouth of the harbour being choked by a sandbank (Comrs.' Report, App. (D), No. 31).

‡ Comrs.' Report, p. 91. In accordance with this report a plan was prepared showing one breakwater from Conister and another from Douglas Head which enclosed an area of 80 acres at low water.

Condition of  
Douglas  
harbour.

portion of its obligations by causing £24,000 to be voted by Parliament in 1793,\* which was entirely expended in erecting a pier, now known as the Red Pier, † in Douglas. The harbour of this town had, indeed, been in a lamentable state. In 1786, eighty-four yards of the end of the old pier were destroyed by an easterly gale, and the pier was still further damaged by the severe gale of the 21st of September, 1787, when part of the herring fleet was lost. This resulted in the harbour being so choked with stones that only vessels not exceeding 250 tons could enter where formerly there was ingress for vessels of 500 tons.‡ The erection of the new pier was a great improvement, but, unfortunately, between 1808 and 1829 much valuable harbour space came into the possession of private individuals owing to the greed or carelessness of those in authority, and was thus lost to the public.

In 1808, this fate befell the beach between the Red Pier and the Pollock rocks, where the herring boats used to lie; § and, about 1820, the “lake,”

\* Previously to this date the only record of expenditure was in 1790 when, of the sum of £415, received from harbour dues, herring customs and bay fisheries, £368 was laid out on harbours (see Comrs.' Report, p. 26). The total revenue from harbours from 1771–1780 was £3,480, of which herring customs and the bay fishery amounted to £1,451 (*Ibid.*, App. (B) No. 9).

† A report from the committee on the “Isle of Man Port Petition” (Parl. Papers, 1804) proves this. Train's statement (vol. ii. p. 364) about the way in which this money was provided is therefore incorrect.

‡ Comrs.' Report, App. (D) No. 17.

§ A useful shelter was thus lost. It was afterwards occupied by Aitken's building yard, and then by baths, part of it being



which at that time afforded a valuable shelter for small craft, was enclosed and filled up. \* All that was done for the harbours of the other ports was the building, about 1796, of a wall between Peel Island and the mainland, which gave the harbour some protection, and, in 1810, the repairing and lengthening of the pier, which had been carried away in 1809. † A pier and a lighthouse were built at Port St. Mary in 1815; and, in 1816, lighthouses were constructed by the Commissioners of Northern Lights at the Point of Ayre and the Calf of Man. ‡ Between 1830 and 1860, many ambitious schemes for the improvement of the insular harbours, especially that of Douglas, § were propounded, but very little was done to carry them out, because the means available for such a purpose were quite insufficient.

The other  
harbours.

Some good work was, however, done by the building of the Tower of Refuge on Conister, in Douglas Bay, in 1832,|| by the completion of the Douglas Head lighthouse in the same year, and of known as "Bath Place." A petition against this was sent to Lord Sidmouth as late as 1821, but it had no result.

\* In this case, however, the Duke of Atholl, who had sold it in 1769, was alone to blame.

† The pier which was washed away in 1809 had only been in existence a short time, it having been constructed since 1793. Its predecessor had been destroyed in 1764.

‡ Under Act 55 Geo. III. cap. 67.

§ The first actually made public was one by Sir John Rennie in 1835 (he produced three different plans); the second by Captain Denham in the same year, and the third by James Walker in 1838.

|| Entirely through the exertions of Sir William Hillary, one

Harbour  
Commissioners  
obtain  
borrowing  
powers,

the south jetty of Douglas harbour in 1838. In the latter year, the Harbour Commissioners petitioned the Treasury to grant them a larger sum for the administration of the harbours and to permit them to borrow money for the construction of works. In consequence of this, an Act was passed in 1840 \* which gave them the desired powers. They thus obtained £8,000, which helped them to build a breakwater at Derbyhaven, and part of the North pier at Ramsey, to improve the pier at Peel, and to form a basin at Castletown. In 1844, harbour dues were abolished,† and £2,300 was ordered to be paid to the Harbour Commissioners out of the customs revenue in lieu thereof.‡ In 1847, the commissioners complained to the Treasury that this sum was altogether too small for the maintenance of the harbours, and they referred particularly to the exposed condition of Douglas harbour. Captain Washington, R.N., was sent over in consequence of this complaint, and, in 1850, he reported that the constitution of the Harbour Board was altogether unsatisfactory, that the commissioners had no practical knowledge of their work, and that they audited their own accounts, which were very badly kept. He also made a number of valuable suggestions with regard to the improvements required.

And a fixed  
income.

Notwithstanding these strictures, no change was of the founders of the Royal Lifeboat Institution, who lived in the island. The first lifeboat in the island was presented by the Duke of Atholl in 1803. It was kept in Douglas.

\* 3 and 4 Vic. c. 63.

† By Act 7 and 8 Vic. c. 43.

‡ The dues in 1844 amounted to £2,348.

made in the Harbour Board, but, in 1853, one-ninth of the gross customs revenue, estimated at £3,141 annually, was granted\* for effecting improvements in the harbours and other public works, harbours having the priority. The power to determine what these works were to be was placed in the hands of the Tynwald Court, subject to the approval of the governor, not in that of the Harbour Commissioners, who, however, though not responsible to the court, still retained the power of carrying out all new harbour works as they thought proper, as well as of superintending the maintenance and repair of existing works.\* In 1855, James Walker, one of the Admiralty engineers, recommended that a breakwater should be constructed from the two-gun battery on Douglas Head in a north-easterly direction, for about 200 yards, at a cost of £23,000, and that the Red Pier should be extended for 100 yards in a south-easterly direction. The first of these recommendations was endorsed by the Tynwald Court in 1857, and it also decided on completing the north pier at Ramsey for £7,000, and a breakwater at Peel for £6,000. In 1858, the Royal Commissioners of Harbours visited the island, and reported that it had strong claims to consideration from its central position, its rugged shores, its extensive herring fishery, and the total absence of deep water harbours. They said that, as "Douglas is the place of the greatest trade importance, and as between this port and Liverpool lies the line of communication for

Further  
changes in  
1853.

Reports of  
James Walker  
and the Royal  
Commis-  
sioners.

\* By 16 and 17 Vic. c. 107, sec. 355.

passengers and mails," they had "no hesitation in recommending the construction of a refuge harbour in the small bay outside the existing port."\* They estimated the cost of this at £100,000. They also recommended a pier from the "Horse-rock" at Castletown, at a cost of £15,000, and a pier from the south shore at Port Erin, at a cost of £25,000. Between 1853 and 1862 very little advance was made in improving the insular harbours, the idea being to let the surplus, of about £3,000 yearly, accumulate till a sufficient amount should be obtained to enable really important works to be carried out.† It was decided that there was to be a pier at Ramsey, and breakwaters at Peel and Douglas, plans for which were decided in 1860. The work at Ramsey ‡ was merely a continuation of an existing pier, and was not to be extended below low-water mark. The breakwater at Peel § was designed to give shelter to the fishing boats in the harbour, and that at Douglas to afford a safe anchorage in deep water at all states of the tide; but, in this last case, the area enclosed was quite inadequate for the shipping which resorted to the port. The Douglas breakwater was commenced in June, 1862, on the plan of Abernethy,|| which was

No important  
work begun  
till 1862.

\* Imperial Blue Book.

† An Act (23 & 24 Vic. c. 56) was passed by Parliament in 1860 to enable the Tynwald Court to borrow money for such purposes.

‡ To cost £6,000.

§ To cost £10,000.

|| This scheme was practically forced on the Tynwald Court, which desired the solid work designed by James Walker, the estimated cost of which had been increased to £50,000 by the

that of a creosoted wooden superstructure upon a sloping foundation of loose rubble.\* Its cost was to be £48,000.

To enable these works to be undertaken a loan of £45,000 was obtained from the Public Works Loan Commissioners on the security of one-ninth of the gross customs revenue, which was to "be applied to such improvements only as the Court of Tynwald shall have determined to be undertaken."† When Governor Loch arrived in the island in 1863,‡ he found that £8,000 of this loan, as well as the whole accumulated "one-ninth" since 1853 had been spent. His first efforts were directed towards the commencement of the work at Port Erin,§ in favour of which petitions had been sent to the Crown by the Manx fishermen, || Liverpool shipowners, and Admiralty, "but the Imperial Government stepped in and left the insular legislature scarcely any option between an indefinite postponement of the work and the acceptance of the plan proposed by Mr. Abernethy . . . and approved by the Admiralty" (*Manx Sun*).

When money was borrowed for that purpose.

The Port Erin breakwater.

\* The Ramsey and Peel works were of the same character. After the disaster to the Douglas breakwater, the latter was cased with concrete blocks.

† Permission was granted by the Act 23 and 24 Vic. c. 56, for this loan, the annual payment for which absorbed about £2,362.

‡ He laid the foundation of the Peel breakwater in June of that year.

§ It had been recommended in 1791, and again in 1835 and 1859.

|| The fishermen who, in 1847, had sent a delegate to London to ask the Government to provide harbour accommodation at Port Erin, agreed to pay a toll of £2 annually per boat, and they said in their petition "give us a place of safety at Port Erin, and we can take twice or three times as many herrings in the season."



others.\* As a preliminary step he obtained the introduction of a Bill into the House of Commons, which became law under the title of "Isle of Man Harbours Act." † By this the taking of harbour dues at Port Erin was authorized, and power was given to the insular Harbour Commissioners, with the approval of the Board of Trade, to borrow on the security of these dues, supplemented to the extent of £1,600 a year by the surplus customs revenue of the island.‡ A sum of £58,200 was thus obtained,§ and the work was begun in October, 1864. In January and February, 1865, the breakwater in Douglas Bay, popularly called "Abernethy's bird-cage," about 500 feet of which had been completed, was destroyed by storms, it having been injured by the same cause in the previous year. The position as regards harbours then became a very unfortunate one, for more than two-thirds of the resources at the disposal of the Tynwald Court had been pledged, and most of the money thus obtained had been spent, with but little result to show for it. The highways, fortunately, remained under local control, their management, in fact, being the only question || which the Tynwald Court, in its

Destruction of  
the Douglas  
breakwater.

HIGHWAYS.

\* Mr. Milner, of "safe" notoriety, was one of the prime leaders in this movement.

† 26 and 27 Vic. c. 16.

‡ By 27 and 28 Vic. c. 62, it was provided that, if the dues were insufficient to pay the interest on the loan, "the amount deficient to an extent not exceeding £1,600 in any one year, shall be charged and paid out of any surplus customs revenue of the island."

§ At 3¼ per cent.

|| Except the Lunatic Asylum at the very end of this period.

administrative capacity had to deal with. In 1765, a committee of the court\* was appointed to consider the whole question of their maintenance and improvement. One of their first steps was to appoint as "super-visor-general," a Scotsman, James Hamilton,† who had, some two years before, been brought to the island by the Duke of Atholl, in order to make roads,‡ and they ordered that the highways should "be widened where requisite to eighteen feet in breadth in every part and place."‡ But it was soon found that the means at the disposal of the court were quite insufficient to carry out these alterations, and so, in 1776, an Act of Tynwald was passed by which the whole of the sum § imposed on public-houses, and not merely a part as heretofore, was to be expended on the highways, and the taxes laid on dogs for the same purpose in 1763 were increased.§ It was also ordained that the proprietors of quarter-lands were to send four men each, the proprietors of lesser holdings in proportion, and the occupiers of houses one man each, to repair the highways when re-

The Act of  
1776.

\* This was only a temporary committee, the highways, till 1776, being managed as ordained by the Act of 1713 (see p. 447).

† He appears to have been very successful in improving the Manx roads which were previously mere bridle tracks, and not designed for wheeled vehicles. The gratitude felt for this was embodied in the following distich engraved on a gold medal which was presented to him:—"Slane booise as imraa dys Hamilton dy braa, son raadjyn mooar jeant trooid yn Ellan veg sheeant." ("Heartiest thanks and remembrance to Hamilton for ever, for high roads made through the little holy Isle.")

‡ *Lib. Scacc.*

§ *Statutes*, vol. i. pp. 297-303.

State of the  
roads early in  
the 19th  
century.

quired.\* The new highways were to be eight yards broad from ditch to ditch, and a committee of five persons was appointed by the Tynwald Court to administer the Act.† The amount of money thus obtained was, even with the labour exacted, insufficient to keep the roads in proper repair, their state being described, at the beginning of the nineteenth century, as “in general but indifferent,” ‡ though it was admitted that this was mainly due to neglect on the part of the parochial surveyors; and, according to another contemporary authority, it was a great improvement on that of forty years earlier, when “they were dangerous for horsemen in winter, and for carriages even in summer.” §

It should be observed that at this time, owing to the change in the value of money, it had become a very general practice to escape the obligation of supplying labour by the payment of the penalties imposed by the Act of 1776 for neglect.||

It was, therefore, necessary both to increase the

\* A cart with two horses and a driver was considered as equivalent to four men, and a “wheel-car” with one horse and a driver as equivalent to two men.

† *Statutes*, vol. i. pp. 297–303. Between 1776 and 1835 this committee was taken from the Keys only; after 1835 the Council was also represented upon it. ‡ Quayle, p. 131.

§ Wood, p. 39. Jefferys, however (*Guide*, p. 79) writes, in 1809, “the public roads which are kept in as high a state of order as the finest turnpike road in England.” On the other hand, the *Manks Advertiser* in 1812 declared the roads near Douglas to be “impassable.” This evidence, in conjunction with that given above, certainly outweighs that of Jefferys who was merely a visitor, and had probably merely a glimpse at the roads.

|| Quayle, pp. 134–7.

funds at the disposal of the Highway Committee, and to impose heavier fines on those who did not perform their highway labour. But only the first need was attended to by the Act of 1813, which largely increased the duties levied both on public-houses and on dogs.\* In 1817 a further Act was passed, whereby a duty of £20 on bankers' licences † was made payable to the highway fund; as were, in 1826, sums of £25 from each advocate admitted to the Bar; ‡ and, in 1827, duties of £5 § on brewers' licences. In 1819, the fines for non-performance of highway labour were made heavier, the amounts payable for public-house licences and dogs were again increased, ¶ while a licence was imposed on pedlars. About £1,000 per annum was thus obtained, and seeing that the condition of the main roads between the four towns was much improved, though that of the other roads left much to be desired, ¶ it seems to have been judiciously expended.

Highroad  
funds  
increased after  
1813.

In 1830, an effort was made for the better maintenance of the highways by imposing some additional taxation; and since the mode of punishment for non-performance of highway labour provided by the Act of 1776 had not been found effective, it was ordained that any one not doing his prescribed amount of labour was to be fined,\*\* and that such fines were not

\* *Statutes*, vol. i. pp. 366-9.

† *Ibid.*, p. 394. ‡ *Ibid.*, vol. ii. p. 3. § *Ibid.*, pp. 10-11.

¶ *Ibid.*, vol. i. pp. 404-13.

¶ *Manks Advertiser*.

\*\* 1s. 6d. for each labourer, 4s. for a single cart horse and driver, and 7s. for double ditto. (*Statutes*, vol. ii. pp. 14 and 22.)

to exempt from the obligation to perform the labour. The Highway Committee were given powers to borrow and to take contracts for highway work, subject to the control of the Tynwald Court. In 1843, the income of the highways from taxes was £2,074, and from labour £1,980.\* In 1860, the inhabitants of Douglas were exempted from performing highway labour, but in lieu thereof they were taxed in money as already stated.†

### § 5. *Military Organization.*

#### MILITARY ORGANIZATION.

We will now briefly trace the history of the Manx military forces after the passing of the Revestment Act. In 1779, war having been declared against Spain, the militia was called out to perform the duties of "watch and ward."‡ Between 1765 and that date, the custom of "calling the inhabitants together to muster" had been "entirely neglected," so that there were "but few officers capable of teaching the exercise properly,"§ and most of the men had become "altogether unaccustomed to and ignorant of any military order and discipline."|| This state of affairs probably explains why the celebrated Paul Jones was enabled to swoop down on the

Neglect of the  
foot militia.

\* The labour was reckoned at 1s. 4d. per man per day.

† See p. 567.

‡ *Lib. Scacc.* It was ordered, at the same time, that "upon the first appearance of the enemy all horses, oxen, and cattle . . . and provisions be driven and removed to some place of security."

§ *Lib. Scacc.* Order of Duke of Atholl, dated 12th of March.

|| Rev. W. Crebbin, vicar of Jurby, writing in 1779.



island and to carry off some prisoners,\* as well as much booty, without being interfered with. It is on record that the militia were again called out in 1793,† and, in 1798, Feltham mentions that the militia were “commanded, under the governor, by three majors and seventeen captains of parishes.”‡ And yet, only three years later, it would seem that this ancient organization had been superseded, since a proclamation issued by Lieutenant-Governor Shaw ordered the captains of parishes to make lists “first of those able to bear arms and willing to join the enrolled Volunteers in the more active defence of their country, . . . and next of those to be employed with the able women in driving cattle and other effects to the mountains.”§ It is curious that, though there is no record of the militia having been called out since 1793, its captains have been con-

Which  
practically  
ceased to exist  
in 1793.

\* These prisoners, among whom was the bishop’s chaplain, were set free on paying ransoms.

† In this year twenty of the militia guarded Castle Rushen, each parish sending twenty men in turn, they being relieved every twenty-four hours.

‡ *Manx Soc.*, vol. vi. p. 21. It is interesting to note that in 1799 the old custom of sending round the cross was not yet obsolete. For, in that year, some persons had sent round the cross in the parish of Rushen to call out the militia for a joke, and, in the course of the judgment passed upon them for so doing, it was remarked that “according to an antient and laudable custom . . . a certain instrument called the cross hath been and is made use of in the different parishes . . . by order of the proper officer or officers for the purpose of calling the whole or a certain part of the parishioners together in case of invasion by an enemy and upon other emergencies,” and that “great respect hath been paid to the summons given by means of the said instrument” (*Lib. Scacc.*). § *Lib. Scacc.*

tinued as civil officers to the present day, their duties \* being connected with the preservation of the peace, though recent legislation has conferred on them the additional function of acting as returning officers at school-board elections. The uniform worn by the militia, or rather by its surviving captains, as late as fifty years ago, was dark blue with red facings. The horse-militia survived a little longer. In 1793, Briscoe's *Manx Mercury*, in describing the proceedings at Tynwald, remarks that, "in addition to the Manx Fencibles, his Excellency the Duke of Atholl was attended by the cavalry of the Isle, which consists of a certain number of horsemen from each parish, amounting in all to upwards of a hundred. They were all properly accoutered, and appeared a remarkably fine body of men." In the Orderly Book of the Fencibles, referring to the arrangements for the same occasion, the following notice occurs:—"The Hill will be guarded by the horsemen, who, on all such occasions, are the constitutional guards of the Governor and Legislature of the Island and to be considered as the eldest brothers of the infantry." In 1820, this corps consisted of one troop, under a captain-commandant, two lieutenants, and a cornet. In 1822, a "strong muster of" it was at Tynwald, but, after that date, nothing more is heard of it.

During the period of the long war with France, at the end of the last and the beginning of the

\* Though, according to their commissions, they are still obliged to "train up and exercise" the militia, if required.

The horse-militia survive till 1822.

present century, several volunteer corps were embodied. They were—"The troop of Constitutional Dragoons," "The Yeomanry Cavalry," "The Manx Gentlemen and Yeomanry," and "The South Manx Volunteers," and "Dawson's Volunteers," who were foot soldiers. The troop of Constitutional Dragoons was raised in 1793, mainly by the exertions of George Quayle, of Castletown; but it did not last long, because, in 1796, the Duke of Atholl found fault with its appearance and with some arrangements made by the officers, who consequently resigned, and the troop was disbanded. In 1799, the indefatigable George Quayle organized "The Manx Gentlemen and Yeomanry," which was disembodied on the conclusion of peace in 1802. Their uniform was dark blue. "The Manx Yeomanry Cavalry" was destined to have a longer career. It was formed in 1796, disembodied in 1802, but embodied again in 1803, and was not finally disbanded till 1825. We hear of them, under the command of Captain Thomas (Deemster) Gawne, escorting the Duke of Atholl to the Tynwald in 1813; and, in 1822, under the command of Lieutenant Corlett, they performed the same office. They were then described as "a very respectable, well-dressed body of men." \* In the previous October they had been called out to suppress the flour riots. In 1799, "The South Manx Volunteers," consisting of two companies, and "Dawson's Volunteers," consisting of one company, were raised. They were disembodied in

Volunteers  
between 1793  
and 1816 and  
after 1859.

\* Private letter.

the year 1802, and re-embodied in 1803, when "Dawson's Volunteers" became "The North Manks Volunteers." None of these bodies, either horse or foot, ever saw any active service. On the 10th of April, 1816, all the foot volunteers were disbanded.\* In 1859, when a French invasion was feared, Manxmen took up the volunteer movement with great enthusiasm. No fewer than six companies of rifles and two of artillery were enlisted, but, when the fear of invasion was seen to be without foundation, the zeal for volunteering waned, and, at the present time, only one company of rifles survives. It should not, however, be forgotten that the liability of all able-bodied Manxmen to serve for the defence of their country has never been abrogated, and that there is nothing to prevent the militia being called out at any time. As regards the paid forces after the Revestment, the lord's garrisons of course disappeared, and their place was taken by drafts from English regiments, their headquarters being at Castletown. These, on the outbreak of war with France and Spain, in 1779, were supplemented by three companies of native troops, called the "Royal Manx Fencibles," who formed part of the regular British army, but were liable to serve in the island only.† The captains of these companies before receiving their commissions, had to procure 42 recruits, while the lieutenants had to procure 25,

Paid forces.

The Manx  
Fencibles.

\* *Lib. Scacc.*

† Warrant from War Office, in the Insular Records.

and the ensigns 20.\* On the 2nd of November, 1780, the total number of all ranks was 333, being composed of 14 officers, 10 sergeants, 15 corporals, 6 drummers, and 288 privates.† The battalion thus formed was disembodied in October, 1783, after the Peace of Versailles, but it was re-embodied on the 20th of February, 1793, shortly after Great Britain had joined the allies against the French Republic. In 1795, the number of Fencibles was largely increased by the formation of a regiment, to consist, in the words of the order, "of 10 companys, of 3 serjeants, 3 corporals, 2 drummers, and 60 private men in each, with 2 fifers to the Grenadier Company, beside a Serjeant-Major, and Quarter-Master Serjeant, together with the usual Commissioned Officers."‡ These men could be ordered "to serve in Great Britain, or Ireland, or the Islands of Jersey, Guernsey, Alderney, Sark, and Man."‡

Disembodied  
in 1783 but  
re-embodied in  
1793 and largely  
increased in  
1795 and 1798.

\* They received 21s. for each recruit. It would seem that this system of recruiting was not thought satisfactory, since, in 1782, a Bill for the compulsory recruiting "a fencible battalion" was drafted, but it never became law, and the old system continued.

† Sergeants got 1s., corporals and drummers 8d., and privates 6d. per day.

‡ War Office to Duke of Atholl (In Records). These companies were thus much smaller than those of the First R. M. F. At the same time, the following recruiting instructions were sent to "Charles Small, Major 2nd R. M. Fencibles," among which the following are the more important: "You will be particularly careful not to take any man who is not fit for immediate service, nor above the age of forty years, nor under the size of five feet three inches, except stout growing lads, whom you may enlist at the size of five feet two inches. . . . For every good and sufficient man who shall be approved of at



Only five companies were raised at first under this order, but, on the breaking out of the Irish Rebellion in 1798, five more companies were added, and the whole regiment was shortly afterwards sent to Ireland. Nothing is known of what it did there. In 1800, it was at Omagh, and, in 1802, at Whitehaven, where, on the conclusion of the Peace of Amiens in that year, it was disembodied, the same fate having befallen the "First Royal Manx Fencibles" in the island. On the renewal of the war in 1803, the raising of a corps "to consist of three companies, of four sergeants, four corporals, two drummers, and seventy private men in each, beside a sergeant-major, and quarter-master-sergeant, and two fifers, together with the usual commissioned officers, for service in the Isle of Man only,"\* was ordered. The numbers in each company, as well as the number of companies, seem afterwards to have been increased, for the orderly book of the corps in 1806 gives a total strength of about 800 men, divided into eight companies.† The uniform of the Fencibles was red with blue facings. They were disbanded in 1810,‡ without, as far as is known, having seen active service. It may seem curious that they were not

Disembodied  
in 1802,  
re-embodied in  
1803 and finally  
disbanded in  
1810.

headquarters, you shall receive ten guineas bounty, and subsistence from the day of his attestation; no bounty will be allowed for any recruit until he has been inspected and approved of at headquarters, or by the Commanding Officer, under the attestation of the Surgeon of the Regiment."

\* War Office to Lord Henry Murray (In Records).

† Loose Papers in Rolls Office.

‡ Many of the Fencibles promptly enlisted in the army.

kept under arms till the end of the war, but it must be remembered that by that time all real danger of invasion had passed away. They, being very broad-shouldered men, are said to have covered more ground than the same number of men belonging to any other regiment in the British army.\*

It is remarkable that while, during the time of the wars with France, the island was well protected by the numerous soldiers stationed there, its fortifications were utterly neglected till after the conclusion of peace in 1815. On this a contemporary writer remarks, in 1816, as follows: "It is a curious fact that, during the long period of war, when it was universally allowed that a single privateer might have ravaged the island, or laid the towns in ashes before assistance or protection could be afforded from England, yet no care was taken to organize those means of defence, which were easily within the reach of the inhabitants. It is true that at every

The want of  
fortifications.

\* *Encyclopædia Britannica* quoted in Quiggin's *Guide* (1847). During the whole of this period there were also a large number of Manxmen serving in the English army and navy, but chiefly in the navy. As proof of this it may be mentioned that, in 1811, twenty-seven Manx sailors and four Manx soldiers were imprisoned in France. Some of the Manx sailors, such as Quilliam, who was Nelson's Flag Lieutenant at Trafalgar, and Hugh Cosnahan, who was specially mentioned for his gallantry in the action between the *Shannon* and *Chesapeake*, greatly distinguished themselves. It should be mentioned also that the distinguished Manxmen, Sir Mark Cubbon, afterwards Governor of Mysore, and Colonel Wilks, who was Governor of St. Helena, at the time of Napoleon's arrival there, also held commissions in the army, though they made their mark chiefly in the diplomatic service.

commanding point all round the coast there were cannon; but these lay dismantled and useless, though, at the same time, Government was paying a salary to an ordnance keeper. . . . But, immediately on the conclusion of peace, an engineer, being sent over, has ever since been actively employed in building batteries, arranging stores of ammunition, and mounting the cannon, as if it had been apprehended that, when all the rest of Europe was restored to tranquillity, the arms of the united potentates would be turned against the Isle of Man alone!"\* At the same time the military establishment was reduced to about half a company from an English line regiment, stationed in the barracks at Castletown; and, in 1896, even this was taken away. The only paid force on the island at the present day is a fine corps of the Naval Reserve, whose headquarters are at Peel.

\* Bullock, p. 355.

	1767	1780	1798	1810	1825	1833	1845	1853	1866
British spirits, gal.	1s.	1s.	P	P	P	P	P	3s.	6s.
Rum "	1s. 6d.	2s.	2s.	2s.	3s.	3s.	1s. 6d.	3s. 8d.	6s.
Foreign brandy "	P	P	3s.	3s.	4s. 6d.	4s. 6d.	4s. 6d.	6s.	8s.
" Geneva "	P	P	3s.	3s.	4s. 6d.	4s. 6d.	2s. 6d.	6s.	8s.
Tea, per lb. ....	1s.	6d.	6d.	6d.	6d.	6d.	1s.	1s.	4d.
Coffee " .....	9d.	4d.	4d.	4d.	4d.	4d.	2d.	2d.	4d.
Tobacco (manufactured) per lb.	2d.	3d.	6d.	6d.	1s. 6d.	1s. 6d.	1s. 6d.	1s. 6d.	2s. 6d.
Sugar, per cwt. ...	—	—	—	2½ p.c.	1s.	1s.	1s.	1s.	3s.
<i>Goods imported from Great Britain—</i>									
(1) Corn and grain	10 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	1s. to 24s. 8d. per qr. †	1s.	1s.
(2) Other goods ...	5 p.c.	5 p.c.	5 p.c.	5 p.c.	5 p.c.	5 p.c.	F	F	F
(3) Do. not specified and from Ireland	2½ p.c.	2½ p.c.	2½ p.c.	2½ p.c.	2½ p.c.	2½ p.c.	F	F	F
(4) From any other legal port ...	15 p.c.	15 p.c.	15 p.c.	15 p.c.	15 p.c.	15 p.c.	15 p.c. §	F	F
Foreign wood ...	5 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	8s.	F	F
" iron ...	5 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	F	F	F
" hemp ...	5 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	10 p.c.	F	F	F
Coals, per chaldron	3d.	3d.	3d.	3d.	3d.	F †	F	F	F
French wine, per tun (252 gallons) ...	£4	£4	£4	£4	£4	£16	£12	£12	{ 8d. <sup>a</sup>
Other wines, per tun	£2	£2	£2	£2	£2				{ 1s. 8d. <sup>b</sup>

P = Prohibited. F = Free. (1) "For which any county shall have been paid on exportation." (2) "Intitled to bounty, or drawback of excise, on exportation." (3) "Not particularly charged." (4) Ditto, and "not imported from the United Kingdom."

† Coals first made free in 1831, in the same year in which the tax was repealed in England.

‡ According to price.

§ Below 26 per cent. proof.

|| Per load of 50 cubic feet.

<sup>a</sup> Above ditto.

## APPENDIX B. POPULATION.

	1726	1757	1784	1792	1821	1831	1841	1851	1861	1871	1881	1891
Douglas .....	810	1,814	2,850	3,625	6,054	6,776	8,647	9,880	12,511	13,972	15,719	19,525
Castletown ...	785	915	1,318	1,423	2,036	2,062	2,283	2,531	2,373	2,320	2,243	2,178
Ramsey .....	460	882	894	920	1,523	1,754	2,104	2,701	2,891	3,934	4,025	4,866
Peel .....	475	805	1,254	1,269	1,909	1,722	2,193	2,742	2,848	3,513	3,829	3,631
Patrick .....	745	954	1,452	2,153	2,081	2,195	2,768	2,925	2,778	2,888	2,626	2,228
German .....	510	925	1,220	1,236	1,849	1,791	1,896	2,168	1,924	1,762	1,691	1,467
Marown* .....	499	658	841	842	1,201	1,216	1,318	1,364	1,161	1,123	990	961
Michael .....	643	826	980	1,003	1,427	1,317	1,376	1,416	1,314	1,231	1,101	1,005
Ballaugh .....	806	773	871	1,015	1,467	1,416	1,516	1,392	1,228	1,076	970	880
Jurby .....	483	467	637	713	1,108	1,097	1,063	985	911	788	661	543
Lezayre .....	1,309	1,481	1,680	1,721	2,209	2,657	2,323	2,468	2,520	1,620	1,486	1,412
Andreas .....	967	1,067	1,390	1,555	2,229	2,217	2,332	2,165	1,955	1,759	1,482	1,239
Bride .....	612	629	652	678	1,001	1,039	1,153	1,053	919	880	741	640
Maughold .....	525	759	1,079	1,087	1,514	1,341	1,585	1,762	1,654	1,432	1,147	982
Lonan .....	547	869	1,219	1,408	1,846	1,923	2,230	2,607	2,909	3,740	3,277	2,970
Conchan .....	370	434	560	690	1,451	1,482	2,589*	3,400*	2,177	1,621	1,508	1,890
Braddan .....	780	1,121	1,214	1,420	1,754	1,927	2,122	2,405	2,301	2,214	2,071	2,041
Santon .....	1,250	507	589	512	800	798	769	714	693	628	593	510
Malew .....	376	1,466	1,861	1,910	2,649	2,778	3,085	3,260	2,692	2,467	2,597	2,275
Arbory .....	661	785	912	1,143	1,455	1,511	1,615	1,593	1,410	1,355	1,274	1,000
Rushen .....	813	1,007	1,451	1,590	2,568	2,732	3,079	3,256	3,300	3,719	3,527	3,415
Totals.....	14,426†	19,144‡	24,924	27,913§	40,081	41,751	47,986	52,387	52,469	54,042	53,558	55,608

\* Marown is not given by him, and is an estimate only.

† From a paper in Bishop Wilson's handwriting (see *Manx Soc.*, vol. xxxi. p. 284).‡ Return by the clergy (*Ibid.*, p. 285).§ Return by the clergy at the requisition of Governor Smith (*Ibid.*, p. 286).

|| First official census.

¶ Increase mainly due to extension of Douglas.



APPENDIX B. SHEADINGS AND TOWNS.

	1726	1757	1784	1792	1821	1831	1841	1851	1861	1871	1881	1891
Glenfaba .....	1,754	2,537	3,513	4,231	5,081	5,202	5,982	6,457	5,863	5,773	5,307	4,656
Michael .....	1,932	2,066	2,488	2,721	4,002	3,830	3,955	3,793	3,453	3,095	2,732	2,378
Ayre .....	2,888	3,177	3,722	3,954	5,439	5,913	5,808	5,686	5,394	4,259	3,709	3,291
Gariff .....	1,072	1,628	2,298	2,495	3,360	3,264	3,815	4,369	4,563	5,172	4,424	3,952
Middle .....	1,526	2,062	2,363	2,622	4,005	4,207	5,480	6,519	5,171	4,463	4,172	4,441
Rushen .....	2,724	3,258	4,224	4,643	6,672	7,021	7,779	8,109	7,402	7,541	7,398	6,690
Towns .....	2,530	4,416	6,316	7,237	11,522	12,314	15,167	17,454	20,623	23,739	25,816	30,200
Country .....	11,896	14,728	18,608	20,676	28,559	29,437	32,819	34,933	31,846	30,303	27,742	25,408
Total .....	14,426	19,144	24,924	27,913	40,081	41,751	47,986	52,357	52,469	54,042	53,558	55,608

## APPENDIX C.

## TOTALS OF REVENUE AND EXPENDITURE, 1765-1866.

Years.	Revenue.	Expenditure.*	Deficit.	Surplus.
	£	£	£	£
1766-1795	92,222†	123,222	31,000	—
1796-1805	79,877	56,877	—	23,000
1806-1815	156,120‡	60,000	—	96,120
1816-1825	194,350	64,840	—	129,510
1826-1835	225,800	91,081	—	134,719
1836-1845	234,960	98,840	—	136,120
1846-1855§	268,190	141,680	—	126,510
1856-1866	327,220	182,380	—	144,840
Total .....	1,578,739	818,920	31,000	790,819

The expenditure of £818,920 does not include £24,000 on the Red Pier at Douglas between 1793 and 1804, £10,000 on fortifications in 1816, and £303,600 paid to the Atholls at various times for the customs duties and annuities (see pp. 543-4 and 606, chap. ii. § 4); after adding these, there is a surplus belonging to the Isle of Man of £422,219, and, even if we also add to it the sums of £46,000 paid for the regalities in 1765, of £100,000 for the patronage of the bishopric and livings, and £167,144 for the mines, rents, &c., there is still a surplus of £109,075. The Crown has, therefore, this amount in hand, and also derives an

\* Including the expenses of collection, and, up to 1833, the bounties paid for herrings. It also includes the expenditure for public buildings (which averaged £300 a year from 1835 to 1865), also a special vote (between 1847 and 1850) amounting to £4,350 (see *Parl. Papers* (1866), pp. 18-19).

† 1766-75, £17,413; 1776-85, £31,131; 1786-95, £43,678.

‡ Partly an estimate, there being no record of the revenue for the years 1812-15, and none of the surplus for the years 1806-12.

§ It was stated in 1853, on the authority of Parliamentary return, No. 501, that the "net surplus revenue" from the island between 1833 and 1853 averaged £20,319, but, though we have not been able to get access to the return in question, we feel sure that this is an error (*Parl. Papers* (1853), p. 24).

|| The average customs receipts for the period 1854-60 was £27,230, and for the three years, 1862-4, £31,845. We have not been able to get the corresponding figures for 1861, 1865, and 1866, and have therefore taken them at the same average amount as the years 1862-64.

income of about £8,000 a year from mine rents, &c., the cost of which it has already been repaid (see Appendix D).

## APPENDIX D.

## RENTS AND DUTIES FROM CROWN PROPERTY.

Year.	Crown Rents, &c.*	Mine Rents.*	Total.
	£	£	£
1854	1,964	8,350	10,314
1855	1,782	9,076	10,858
1856	1,832	11,032	12,864
1857	1,600	10,154	11,754
1858	2,022	9,466	11,488
1859	1,868	9,170	11,038
1860	1,987	8,458	10,445
1861	1,920	10,206	12,126
1862	2,252	8,968	11,220
1863	2,181	8,464	10,645
1864	2,108	9,736	11,844
1865	2,170	13,792	15,962
1866	2,588	13,396	15,984
1867	2,937	8,130	11,067
1868	3,187	7,296	10,483
1869	3,109	7,714	10,823
1870	2,952	7,826	10,778
1871	3,076	8,366	11,442
1872	3,338	7,448	10,786
1873	3,317	5,978	9,295
1874	4,034	7,218	11,252
1875	3,843	9,350	13,193
1876	3,765	7,766	11,531
1877	3,704	11,123	14,827
1878	3,519	9,372	12,891
1879	3,154	7,647	10,801
1880	3,371	6,651	10,022
1881	3,211	9,230	12,441
1882	2,606	9,212	11,818
1883	2,801	8,899	11,700
1884	3,242	9,071	12,313
1885	2,880	5,562	8,442
1886	2,801	6,843	9,644
1887	3,085	7,312	10,397
Forward	94,206	298,282	392,488

\* The figures before 1854 are taken from the Manx newspapers and purport to be copies of the originals; after that date they are taken from the official publications of the "Woods and Forests" department.

RENTS AND DUTIES FROM CROWN PROPERTY (*continued*).

Year.	Crown Rents, &c.	Mine Rents.	Total.
	£	£	£
From p. 649	94,206	292,282	392,488
1888	2,827	6,990	9,817
1889	2,647	8,157	10,804
1890	2,653	8,740	11,393
1891	2,702	7,138	9,840
1892	2,584	7,699	10,283
1893	2,503	6,136	8,639
1894	2,589	3,765	6,354
1895	2,682	2,617	5,299
1896	2,643	2,785	5,428
1897	2,807	2,847	5,654
1898	2,590	2,980	5,570
1899	2,695	2,927	5,622
	126,128	361,063	487,191
1830-1853 (24 years at £4,700) * ...	...	...	112,800
Total, 70 years ...	...	...	599,991
† Deduct for salaries and expenses {	46 years at £800 = £36,800		
	19 years at £400 = 7,600		
			44,400
Seventy years ...	...	...	555,591

= £7,937 per annum, say  $4\frac{3}{4}$  per cent., and, since 1854,

= £9,622 per annum, say about  $5\frac{3}{4}$  per cent. on £167,144.

It must be remembered, however, that, since the mines will be gradually exhausted the income from them will, unless there are new mines discovered, decrease.

\* These are net receipts after paying all expenses.

† The receipts from 1854 to 1899 are gross as regards crown rents, &c. For mine rents they are net up to and inclusive of 1880, after which they are gross. The estimates for salaries and expenses are only approximate.

## APPENDIX E.

## SALARIES.

	1790	1826	1866	1873	1900
	£	£	£	£	£
Governor ... ..	400	400	—	—	—
Lieut.-Governor ... ..	200	700	1,200	1,500*	1,800
Attorney-General † ... ..	—	500	800	1,000	1,000
Deemsters ‡ ... ..	200	800	800	1,000	1,000
Water Bailiff § ... ..	80	300	300	300	—
Clerk of the Rolls ... ..	50	900	900	1,000	1,000
High Bailiff, Douglas ... ..	25	25	165	250	450
„ Ramsey ... ..	25	25	135	200	230
„ Castletown ... ..	25	25	135	200	200
„ Peel ... ..	25	25	135	200	200
Surgeon ... ..	50	—	—	—	120
Chaplains ... ..	25	—	—	—	200
Chief Constable and Gaoler ... ..	12	25	—	—	—
Constables ... ..	5	10	—	—	—
Receiver-General ... ..	300	430	200	230	230
Deputy Receiver-General ... ..	100	—	—	—	—
Collector ... ..	100	—	—	—	—
Comptroller ... ..	80	—	—	—	—
Vicar-General ... ..	—	—	400	400	216
Clerk to the Council, Governor's Secretary and Treasurer ... ..	—	—	—	—	500

\* These changes in 1873 were made in consideration of the fees, amounting to about £400 annually, which had been paid to the officers who were given increased salaries, being paid to the general revenue account.

† Till the appointment of James Quirk in 1834, this official usually resided in England, leaving his duties to be performed by an ill-paid deputy.

‡ There was only one deemster from 1777 to 1793.

§ This office was done away with in 1885.

|| The Receiver-General ceased to be a customs officer in 1832.



## CHAPTER III

### CHURCH AND NONCONFORMITY

IN the preceding Book (Chap. III.) we brought down the history of the Manx Church to the death of Bishop Wilson in 1755.

Bishop  
Hildesley.

His successor, Bishop Hildesley, was consecrated in Whitehall Chapel by Dr. Hutton, Archbishop of York, on the 24th of April, 1755, and, on the 6th of August following, he was installed in St. German's Cathedral. We shall see how zealously he entered into every department of work in his diocese, and it is significant of this that he took the trouble to acquire something of the Manx language, so that he might make himself more generally understood by the people. He died on the 7th of December, 1772, and was buried in Kirk Michael Churchyard, near Bishop Wilson. Twenty-five years later Bishop Crigan remarked that his memory was still fresh in the hearts of the people, and that "as no pastor was more loved in his diocese, by both the clergy and laity, during his life, so no one could be more sincerely regretted at his death.\*

\* *Hildesley's Memoirs*, p. 111. To this book our readers are referred for full particulars.

The great work of his episcopate was the publication of the Bible in Manx. As a preliminary to this he encouraged the publication of devotional works, of the New Testament, and of the Prayer Book. Thus, at Convocation, in 1758, we find him "declaring a great desire of having the Church catechism printed in the Manks tongue by itself," and earnestly recommending the clergy that they are "to use their best endeavours to improve the use and practice of the Manks tongue." He also expressed his desire of having "the ordinary service of the Church, together with the several occasional offices, translated into Manks," and "a select number of the singing psalms translated into Manks verse, fitted to the tunes used in churches, for the instruction and comfort of such persons as do not understand the English language." He soon found willing translators, but, when the books were ready for publication, he was confronted with the difficulty of providing the necessary funds.

The Bible.

Other  
devotional  
publications.

To meet this he approached the Society for Promoting Christian Knowledge, who, in July, 1762, handed him £100 "for the purpose of printing the Scriptures and other good books in the Manks tongue." He also obtained money for the same purpose from various charitable persons in England. In August of the same year he received a letter from the Archbishop of York urging him to procure "a plain translation of the liturgy,"\* and condemning the practice of translating "the Scriptures and the Liturgy off-hand out of English into the language of

Funds for  
publication,  
how obtained.

\* *Hildesley's Memoirs*, pp. 425-6.

the Island.”\* The archbishop also suggested that “such parts of the Scriptures as are the most necessary should be carefully translated by some able clergyman.”\* In the following year the S.P.C.K. issued a “Proposal for printing the Holy Bible, Common Prayer, and other religious Books, in the Manks language,” and, in consequence of this, the bishop was shortly able to announce the publication of the Gospels and Acts to his clergy,† and to inform them that the subscriptions in England towards the other publications were progressing satisfactorily. He then urged them “to take into consideration some method of proceeding with the Liturgy already begun,” and to “prosecute that most necessary work of translating the remainder of the New Testament into the vulgar tongue.” In 1765, there appeared an edition of the Prayer Book, and, in the same year, the bishop, encouraged by the number of the subscriptions he had received from England, determined to expedite the translation of the Bible which had been already begun. The printing of the first volume to the end of Job was completed in 1771; ‡ the second, to the end of the Old Testament, with a portion of the Apocrypha, in 1773; and the third volume, the New Testament, in 1775. The translators of the Bible,

Publication of  
Gospels and  
Acts,

Of the Prayer  
Book,

And of the  
Bible.

\* *Hildesley's Memoirs*, pp. 425–6.

† A few copies were issued to the clergy only, with a request “that they would insert freely their remarks on the blank pages.”

‡ The statement of Bishop Hildesley's biographer, that the bishop received the last volume before his death, is incorrect (*Hildesley's Memoirs*, p. 51).

Prayer Book, &c., were, in effect, the whole of the clergy of the island, though the most arduous share of the work had fallen to the Rev. Phillip Moore, who revised nearly the whole of the Bible,\* and to John Kelly, afterwards Dr. Kelly, who assisted him and also corrected the whole Bible for the press.†

Though, as we have seen, the publication of the Bible and Prayer-book and other religious books continued after Bishop Hildesley's death, their production was retarded, instead of forwarded, by his immediate successors. Indeed, but for the support of the S.P.C.K., and the earnest zeal of a few of the Manx clergy, it seems probable that no further Manx books would have been published.‡

Progress of Bible and other religious books after Bishop Hildesley's death.

Among the earlier of Bishop Hildesley's successors, Ward (1827-38) is the only one worthy of more than mere notice. He was a very earnest and energetic man, and is now chiefly remembered by his success in raising funds for Manx church-building in England. We may mention that Bishop Richmond (1773-80) was a haughty and overbearing man, much disliked by his clergy,§ while Bishops Mason

The Bishops.

\* The Rev. Matthias Curghey assisted in the revision of the Pentateuch.

† The Manx translation of the Bible is considered a very good one. Thus Vallancy in his *Grammar*, p. 119, writes, "The beautiful expression of the Manx, superior to the Irish translation, is visible to every Celtic scholar."

‡ For full particulars about benefactions towards the publication of the Scriptures in Manx, see *Hildesley's Memoirs*, pp. 257-60, or *Isle of Man Charities*, pp. 51-56.

§ In their letters he is usually described as "The Lama," and "The Pontifex Maximus."

(1780-83), and Crigan (1783-1811), were men of no influence. Murray (1814-27) was an able and well-meaning bishop who did much good work for the Church, but his influence was much lessened by the unfortunate position he took up with regard to the tithe. The bishops of later date than Ward come too close to our own time to render it desirable to give any account of them.\*

Attempts to  
attach Man to  
English  
dioceses.

During this period there were two attempts to attach "Sodor and Man" to an English diocese. The first was in 1836, when, by Act of Parliament, it was actually united to Carlisle; and the second, in 1875, was a proposal to unite it to Liverpool. Both these schemes were, however, defeated by the opposition of the Manx people, whether clergy or laity, and, in the former case, the Act of Parliament was repealed.†

We shall now proceed to deal with the "discipline," the tithes, the status of the clergy, the progress of church building, &c., and, finally, with education.

The  
"discipline."

Bishop Wilson's system of "discipline," as it was applied after 1736, was continued by Bishop Hildesley. But, notwithstanding his efforts, the penalties for its infringement gradually became lighter. Indeed, such entries in the judgments of the courts as "dismissed as frivolous and admonished" are often found. The whole system was, in fact, falling into contempt. As a means of tightening its loosened bonds the bishop ordered that

The discipline  
falling into  
contempt.

\* For a list of them see the Supplement.

† For further details see *Sodor and Man*, pp. 261-2.



“no person who is either under Church censure, or who has not received the Holy Sacrament of the Lord’s Supper, be admitted to enter into the holy state of matrimony”<sup>\*</sup>; and the ceremony of marriage was more strictly guarded. It seems that clandestine marriages had been very common, so that the bishop, in 1757, got an Act passed by the Legislature † to prevent them, and, at the same time, he strongly reproved the clergy for their negligence in allowing them.

Regulations  
about  
marriages.

Presentments for non-observance of Sundays and Saints’ days were common, and there was a vigorous effort made to check the neglect of attendance at church on Ash Wednesday and Good Friday, which seems to have especially shocked the bishop, who told his clergy that he was “aggrieved as well as surprized” to see men “following their ordinary occupations on these days in yoking their cattle and tilling their land . . . during the whole time of Divine service.” To this the clergy replied: (1) That it was the general custom of the people to work on those days; (2) that they had the “late Bishop’s and Vicar-General Walker’s example for it” (!); and (3) that prayers were read as early as 8 a.m. on those days, so that people went to work afterwards. After Bishop Hildesley’s death, the discipline began to fail very rapidly.

Non-observance of Ash  
Wednesday  
and Good  
Friday.

<sup>\*</sup> This was, in effect, the third ecclesiastical constitution of 1704, which was at this time ordered to be read in the churches (see *Sodor and Man*, pp. 209–10).

† *Statutes*, vol. i. pp. 381–5. It was on the same lines as Lord Hardwicke’s Marriage Act of 1753.

The discipline  
fails.

It had become difficult even to get any disciplinary cases before the spiritual courts, especially such as related to non-attendance at church and to immorality. Of this a singular proof was afforded in 1785, when a number of churchwardens complained to the court that they considered it a grievance to be "obliged to present on Common Feme, as also such persons as do not attend divine worship on holy days." In consequence of this, the court appointed a committee to "represent this to the Legislature, as soon as other matters of a similar nature are ready to be laid before them, for their consideration and amendment." The same point arose in 1796, when Bishop Crigan took "the sense of the clergy whether it might not be advisable to adopt another mode of punishing such offenders, by proposing to the Legislature to enact a law empowering the Bishop and Vicar-generals to commute their censures for a pecuniary fine." The clergy acquiesced, stating that they found "from sad experience that the censures of the Church have proved ineffectual to suppress the sins of adultery and fornication." No reference, however, seems to have been made to the Legislature, and, ten years later, the discipline was practically obsolete.\*

Presentments.

Such presentments as we find between 1773 and 1800 were chiefly for the above-mentioned offences and for swearing, while some of them were for very insignificant misdeeds. Indeed, if contemporary

\* We may note that the chapter-quests, whose special duty it was to make presentments, disappear at this period.

writers are to be believed, the judges were frequently more in need of discipline than those who were brought before them. One of these writers, a military officer who lived in the island between 1789 and 1794, comments on the manner of the presentments as follows: "My pen revolts . . . with transcribing such nonsensical stuff, such as must draw a smile from every person of common sense; an indignant one it must be; that within a Protestant country, in this enlightened age, such absurdities should be tolerated."\* Occasional penances were performed as late as 1825, and, in the same year, Bishop Murray is said to have excommunicated an offender against the moral law; but, after that date, we hear no more of the discipline of the Manx Church.†

Contemporary opinion of them.

Of all the questions which agitated Manxmen and their Church at this period that of the tithe was the most far-reaching in its effects.

The tithe.

Let us first consider the fish-tithe. This long-pending question was settled finally by the Privy Council, in 1769, in favour of the clergy, by affirming the judgment of the Manx spiritual court in 1767, which decided that fishermen were liable to pay full tithes for fish even though "sold at sea many leagues from the island." But, though the legal question

Fish tithe question legally settled, but payment still disputed by fishermen.

\* Townley, vol. ii. p. 47.

† "As late, however, as 1847, churchwardens occasionally notified moral offences committed in their parishes to their rector or vicar, who admonished the delinquents, but did not bring them before any court" (MS. note by Archdeacon Moore).

was thus settled, the fishermen seem still to have made difficulties about the payment of the tithe, since there was a resolution passed at Convocation, in 1772, "that the rights of the Church be vigorously defended with respect to the tithe of herrings and other fish;" and, in the following year, the clergy complained, in an address to the bishop, that they (the fishermen) still continued "obstinate," and had involved them "in fresh suits." Fish tithe was, however, usually paid up to the end of the eighteenth century, when all mention of it in the Records ceases, and it is not referred to in the Tithe Act of 1839.

Other tithes.

As regards the other tithes, trouble arose owing to the new method of collecting them which was, instead of letting them to the clergy of the respective parishes, as was the practice till Bishop Richmond came, to let them to the highest bidder at public auction. This individual then held sub-auctions to re-let the tithes, which, under this system, sold for much above their value. Thus, for instance, in 1750, the tithes of the parish of Braddan were let for £31 5s., and, in 1811, for £200; and the tithes of the parish of Jurby produced £20, in 1772, £138, in 1810, and £231, in 1811. This increase, however, before 1816, raised less opposition among the farmers than might have been expected, because the period (1793-1815) had been one of considerable prosperity for them. But, after 1816, when the state of affairs was altogether different,\* there was much

\* See p. 553.

distress and discontent among the poorer farmers. This was aggravated in 1817, by Bishop Murray's attempt to collect the tithe of potatoes, turnips, and other green crops, which had not been demanded for many years. The question of his right to do so was brought before the insular exchequer court in 1821 and was decided by it in favour of the bishop. The farmers then appealed to the Privy Council, who, on the 24th of June, 1825, upheld the decision of the Manx court that, as potatoes and turnips\* were comparatively modern crops in the island, the old custom did not extend to them and that they were therefore titheable. A decree was consequently issued ordering the payment of tithe on them. The result of this decision was a combination among the farmers not to pay; and, in October, when the collection began, dangerous riots broke out in Peel and other places, and, finally, a body of 5,000 remonstrants armed with bludgeons and pitchforks, and waving a "bloody ensign,"† marched on Bishop's Court and extorted a promise from the bishop, who was actually in danger of his life,‡ that he would not collect the tithe § for that year. In the

The green crop  
tithe.

Its exaction  
causes a riot.

\* Turnips were not cultivated before 1793.

† *Manks Advertiser*.

‡ Some of the rioters who had committed arson were tried and punished, two being transported for life, and £180 was levied on Douglas in the form of Church cess, which was collected by the wardens of St. Matthew's "in behalf of the damages, costs, and charges in the potato riots" in that town.

§ The potato crop had been valued in 1821 at £15,000, and, estimating the turnip crop at £3,000, the clergy would have got about £1,800 as their share.



following October (1826), the bishop issued a notice that, "in consequence of the failure of the crops of barley and oats," he would not "demand the tithe of potatoes or turnips," but he stated that the exemption was "for the present year only."\* In 1827, however, he left the island and no further attempt was made to collect tithe on the green crops. He had also endeavoured, in concert with the duke, to commute the tithes for an amount which the landowners considered exorbitant. The duke first brought the question before the Tynwald Court in March, 1823, when he pledged himself, with the consent of the bishops, to accept £6,000 annually in lieu of the tithes, leaving the Keys to find "ways and means of levy and payment."\* A committee of the Keys was appointed in the following May to go into the whole question, and they issued their report in November. In this they estimated the value of the tithes at £4,116, but explained that "on the one hand, considerable deductions must be made for loss by bad debts and for the expenses of collection; while, on the other hand, additions must be made for the value of prescriptions, small tithes, and other dues"; also that "some consideration must be given to the suits now pending on the subject of green crop and other incidental increase." They then concluded by saying that the very greatest sum which they could "conscientiously advise to be given, as a fixed and clear income payable without trouble or expense to the receivers, is £5,000;" and they recommended

It is  
abandoned.

Attempt to  
commute  
tithes fails.

\* *Manks Advertiser.*

that this should not be "subject to periodical revision, but be convertible into a principal sum at 25 years' purchase . . . the proprietors of the land to have the option of purchasing the commutation to which their respective properties are liable at 25 years' purchase at any time within 10 years."\* It was also proposed that such commutations as had not been purchased should be revised by the average of five years' prices of grain in the *London Gazette*. These proposals were accepted by the Tynwald Court, which ordered them, together with an explanatory circular, to be sent to the captains of the various parishes who were to be requested to obtain the opinion of the landowners thereon. They were also accepted by the duke and bishop (who thereby practically abandoned their claim for green crop), with the exception of the redemption clause, to which they objected. The landowners, too, were generally in favour of the proposals, though there was a considerable difference of opinion about the advisability of redemption. A Bill was consequently prepared embodying the proposals, except that for redemption, and was introduced into the Keys in January, 1824.† Because of this omission, however, the Keys threw the Bill out. They did so, their

\* *Manks Advertiser*.

† The amount was fixed at £5,000, being estimated from the prices of wheat for the three years 1820-22. It was agreed that this sum was to be paid for ten years after the promulgation of the Act and that the valuation was then to be on the basis of the prices of wheat for the five preceding years, as given in the *London Gazette*.

enemies declared, to enforce the inclusion of the redemption clause, which would enable them to get mortgages on the estates of the poorer farmers and so ruin them.\*

But, in the absence of any report of their debates, it seems probable that their real reason for throwing out the Bill was that they did not wish to commute the tithes before the question of the green crop tithe was decided. When, however, this did take place, it was decided to hold over the discussion on the whole subject till calmer views were likely to prevail; and, indeed, it was evidently unwise, at a time when much distress and discontent prevailed,† to risk the further alienation of the people from the Church by stirring up strife about the tithe. This was clearly perceived by the clergy, who remarked, when addressing Bishop Ward on the tithe valuation, in 1828, “We doubt not that a considerable augmentation may take place in the Revenues of the Church of Man in future years should a kind Providence send prosperity to our little Island, but no material augmentation can reasonably be expected at present in the deeply depressed state of the country. We are confident that if your Lordship witnessed the indigent circumstances of the people, and beheld, as your clergy do, many of the peasantry unable to obtain employment, or procure food for themselves or their families, and a large proportion of the Land-holders emigrating ‡

\* Pamphlet (1825), p. 83.

† See p. 553.

‡ There was a very large emigration to America between 1825 and 1840.

to distant countries to procure the necessaries of life, your Lordship would concur in the opinion that this unquestionably is no time for the rigorous enactment of dues whether civil or ecclesiastical. We feel constrained to observe, that to have recourse to coercive measures for the recovery of disputed tithes would be attended with disastrous consequences, and not only produce general disaffection throughout the country, and materially disturb the peace of the community, but inflict a wound on the Church of Mann which the lapse of a century would scarcely heal."

Such being the state of affairs, it was not found possible to settle the question till 1839,\* when the *Tithe Commutation Act* was passed. By this Act, it was decided that the tithe rent-charges should "be deemed to be of the value of such quantities of wheat, barley, and oats as the same would have purchased in case one-third part thereof had been invested in the purchase of wheat at seven shillings and one farthing per imperial bushel ; one-third part thereof in the purchase of barley at three shillings and elevenpence half-penny per imperial bushel ; and the remaining one-third part thereof in the purchase of oats at two shillings and ninepence per imperial bushel, and to be regulated, increased, or diminished from year to year, according to the average prices of wheat, barley, and oats, as advertised in the *London Gazette* ;" † also that the average price was to be that of the preceding seven years. An agent was

Tithe  
Commutation  
Act of 1839.

\* The Bill was first introduced in 1837.

† In 1883, an Act was passed substituting the corn averages

appointed on behalf of the bishop and clergy, and the "Commissioners of Woods and Forests," \* to collect these charges, the bishop, archdeacon, commissioners, and clergy having each one vote (or four votes in all), and the bishop, if required, a casting vote, in his election. This appointment of an agent for collecting the tithe was a wise provision, as it relieved the clergy from the odium and inconvenience of collecting it themselves, to which they have been, and still are, subjected in England and Wales. And we may note also that, according to the Manx Act, in the event of the non-payment of these charges, proceedings could be taken against the landlord in a court of summary jurisdiction instead of against the tenant by distraint, as was the case in England and Wales till recently. The total amount of the valuation was £5,575, which was divided as follows :—To the Crown £525, the Bishop £1,515, the Rector of Andreas £707, the Rectors of Bride and Ballaugh £303 each, the fourteen Vicars £141 8s., the Trustees of Dr. Thomas Wilson's charity for clergymen's widows £141 8s., † the Minister of St. Jude's, Andreas £101.‡

Thus was accomplished an important and beneficial reform in the Manx Church, by which any friction between the clergy and the tithe-payers was rendered improbable.

under the Imperial Act of 1882 for those referred to in the Act of 1839 (*Statutes*, vol. v. pp. 207-8).

\* For the Crown's share.

† See *Sodor and Man*, p. 217, n. 1.

‡ *Statutes*, vol. ii. pp. 114-123.



Bishop Hildesley's first care on arriving in Man was to require the clergy to produce their "Letters of Orders, Institution, and Induction, and all other Licences or Faculties whatsoever." He then ordained that they should wear "a dress to distinguish them from the laity," and that they should not appear outside their own house or lands "in brown or light-coloured cloaths, but only in black or dark-gray and wearing a wig." \* It was fortunate for the clergy that these sumptuary laws were accompanied with some increase in their incomes, the two rectories being then worth £100, and the vicarages from £30 to £50. † "Upon such humble incomes," says a contemporary writer, "the frugality of the insular clergy, much to their honour, has enabled them to live very decently, to maintain themselves, and sometimes to bring up comfortably pretty numerous families.‡ Their conduct seems to have been, generally speaking, irreproachable § during Hildesley's life, but, after his death, they rapidly deteriorated.¶ That this was so is unfortunately only too clear from the Records, which contain

Condition of  
the clergy.

Increase of  
clergy's  
incomes.

Their conduct.

\* Even the students of sixteen and seventeen years old were obliged to wear wigs.

† This increase largely arose from the bishop appointing the clergy as his proctors, in their several parishes, to collect his tithes and dues, they getting a percentage for themselves.

‡ MS. letter.

§ Only two presentments are recorded against them, one being of a rector and curate for non-residence, and the other of a curate for drunkenness.

¶ The negligent way in which the Church registers were kept between 1772 and 1814 is very marked.

several convictions against them for drunkenness and show that no less than seven of them were degraded from their office at one time. A contemporary writer, however, gives more favourable evidence remarking that the clergy were "a respectable body" and that they had "a good classical education." \* By the time, however, that Bishop Murray came (1814) "things had fallen into a very scandalous state." † He "found great irregularities practised in some of the churches, and a general carelessness pervading by far too large a proportion of the clergy." ‡ He consequently "purified the Ministry of several Priests, whose lives had been a scandal to their holy Order." ‡ The result of this seems to have been that, in 1816, there were "few, if any, striking instances of dereliction from their duties" among the clergy; § and, generally speaking, the habits of the whole body are said to have been "consonant to the best rules of orthodoxy." § After the passage of the *Tithe Commutation Act* the monetary position of the clergy, who had been previously described as "so miserably provided for, as to be wholly unable to support with respectability their station in society as Christian Ministers" was greatly improved." || As regards their character and conduct, and "the faithful discharge of their sacred functions," they were, in 1837, stated to be "highly respectable." ||

Their  
monetary  
position.

\* Feltham (*Manx Soc.*, vol. vi. p. 89).

† Short, Introduction, p. lxiv.

§ Bullock, p. 332.

‡ Ward, p. 60.

|| Ward, p. 172.

Since 1814, then, we have traced a steady improvement in the clergy, and a similar, though more intermittent, progress took place in the Church itself which had sunk to its lowest depth at that time. But the Church then, owing to the reforms instituted by Bishop Murray, began to rise again, and, with a man like Hugh Stowell, "the pious and eloquent rector of Ballaugh," to assist him, it soon became evident that "the spirit of Bishop Wilson was not extinct."\* It was, indeed, due to Hugh Stowell that, eleven years before this, Sunday schools began to be held in the Isle of Man.†

Progress in the  
Church after  
1814.

"Having heard," he writes, "of the happy consequences attending Sunday schools in the neighbouring kingdoms," ‡ he began one in his own parish of Lonan. From thence the schools soon spread to the other parishes, and were also eagerly adopted by the Wesleyans. Good was also done in Man by branches of the British and Foreign Bible Society, established there in 1814, and of the Society for Promoting Christian Knowledge, established there in 1818. But the good effect of these influences was checked by the discontent aroused by the way in which the tithe was exacted. This was referred to by the clergy in 1828, when they told Bishop Ward that the Church "has been for some time past in a very tottering condition," and that, unless conciliatory

Sunday  
schools.

\* Ward, p. 60.

† Bishops Wilson and Hildesley insisted on children attending church to be catechized, but there would not seem to have been any regular Sunday schools before 1803.

‡ MS. Diary.

Progress  
checked by  
tithe agitation.

measures were speedily adopted with regard to the tithe, they had "every reason to apprehend deserted pews, alienated flocks, and a general contempt" for its "ordinances." Thirteen years later, we have the evidence of Bishop Short to the effect that "the churches in the seventeen parishes of which the diocese consisted were generally empty,"\* and that "the tone of morality was low, and the people were falling into indifferentism."\* Nor, judging from the remarks of Bishop Lord Auckland, in 1854, who spoke of the widespread spirit of indifference to church doctrines and discipline, and of the small number of communicants, was there any great improvement by that time, † though, between 1854 and 1866, there were signs of a revival.

Church  
building.

We have now to briefly trace the progress of Church building since 1755. During Bishop Hildesley's time three parish churches were rebuilt and enlarged, and the chapel of St. Mark's was built almost entirely at the bishop's expense, he also contributing more than half the sum then collected for the endowment of a chaplain for it. But the condition of the contents as well as of the fabrics of the churches left much to be desired. This, too, the bishop did his best to improve.

St. George's was completed in 1781, Andreas Church was re-built in 1800, Jurby church in 1813, and a new church, St. Paul's, in Ramsey, was built in 1822. With the arrival of Bishop Ward the work

\* Short, Introduction, p. lxiv.

† Address to Convocation.

of church building was greatly accelerated. He states that it "was impossible for the preceding Bishops to find means for the building of churches equal to the extraordinary increase of the population,\* before the attention of the English public had been, as it now is, generally drawn to the subject;" that "local means were wholly inadequate to furnish the necessary church accommodation;" and that he had recourse, therefore, to English charity. In this way, the bishop, assisted by the Rev. Hugh Stowell, who was sent to England to solicit subscriptions, succeeded in raising between £8,000 and £9,000. "A further sum of £3,000 was raised under the laws of the island from the different parishes; and, by the judicious application of their combined resources, several additional churches have been built, some enlarged, and others, in a state of dilapidation, substantially repaired."† Yet, even after these churches were completed, it was seen that there was urgent need for chapels in the more remote parts of the larger parishes, with chaplains to administer the services, and parsonage houses for them to live in. Several of these were provided by the Isle of Man Diocesan Association, and were, for the most part, built between 1839 and 1856. During this period two churches were also built, viz., St. Thomas's, Douglas, in 1849, and Marown parish church in 1853.

Bishop Hildesley took a keen interest in forward-*Education.*  
ing education. It was during his time that Peel obtained a mathematical school. In 1811, an im-

\* Ward, p. 61.

† *Ibid.*, p. 182.



portant addition was made \* to the insular schools by the establishment of a large school in Douglas, under the Lancasterian system. † In 1813, the fees of the parish schoolmasters, which had remained on the miserably inadequate scale fixed in 1704, were raised to “two shillings and elevenpence a quarter for each and every scholar taught to read English, and three shillings and sixpence a quarter for each and every scholar taught to read and write.” ‡ In 1830, the scheme originated by James, seventh Earl of Derby, § and, carried on by Bishop Barrow, § resulted in the foundation of King William’s College, which was erected by means of accumulated funds derived from the academic school and academic master’s trusts, together with £2,000 collected by Bishop Ward, and a mortgage of £2,000 upon the estates. The college was opened for students in 1833. The greater part of it was destroyed by fire in 1844, but was speedily rebuilt, chiefly through the exertions and liberality of Bishop Short. It provides an education similar to that of the great English public schools, not only for the sons of the Manx clergy and those wishing to enter the Manx Church, but for many others. ¶ In 1858, a school which took

King William’s  
College.

\* *Sodor and Man*, pp. 242-3.

† *I.e.*, religious, but non-sectarian instruction.

‡ *Statutes*, vol. i. p. 363. § See pp. 253, 470-1.

¶ The number of boys at present (1900) is 185. It is, strictly speaking, a Church school, though its management by trustees, consisting of the governor, the clerk of the rolls, the southern deemster and the attorney-general, and the presentation of reports referring to the management of its estates to the Tynwald Court, gives it somewhat the character of a State school.

the place of the old grammar school in Douglas was provided through the liberality of Mrs. C. Hall.

Agencies for  
the  
improvement  
of parochial  
schools.

Nor were the parochial schools neglected. Among other agencies contributing to their improvement was that of the National Society,\* which made numerous grants towards building and fitting up schoolhouses, teachers' residences, &c., in the island, and received several schools into union with it. We may note also that, during the period between 1832 and 1868, no less than twenty-nine schools received Imperial Parliamentary grants for building, enlargement, improvement, or fixtures.† Elementary education at this time also received a great impetus from the exertions of the able and energetic Bishop Short, whom we find addressing Convocation on this subject in 1845: "My great object has been to improve existing schools, trying to render those schools where I found tolerably efficient masters more efficient, in the hope that when people see respectable teaching by the side of inefficient schooling, they may become dissatisfied with the latter and try to improve it. . . . I do not yet know of any school which I could exhibit as a pattern; there are several which are very respectable, but they are all wanting either in

\* This Society receives schools into union with itself on condition that the children are instructed in the principles of the Church of England, subject to the superintendence of the parochial clergyman, and that they attend the Established Church. The managers of such schools have to report annually to the Society with reference to the state and progress of their schools.

† For full particulars, see *Educational Endowments*, Isle of Man, 1887. (Blue-book.)

instruction or method." \* Yet, notwithstanding the good bishop's efforts, the state of education in Man, judging by the report sent by the Rev. H. Moseley to the "Committee of Council of Education" in 1847,† was still far below the English standard.

Act of 1851.

The next step with reference to these schools was the passage, in 1851, of an "Act‡ for making better provision for Parochial and other schoolmasters, and for making further regulations for the better government of Parochial and other Schools."§ By this Act, rates could be levied by the parochial vestries for the support of these schools,|| of which there might be more than one within a parish, and committees appointed for their management. The chairman of this committee was to be the incumbent of each parish, or district in the towns, who was to have charge of the religious instruction in the schools. The committees were also granted borrowing powers, which enabled them to enlarge many of the schools and build houses for the masters.

#### NONCONFORMITY.

John Murlin.

The first direct effort to implant Methodism was in 1758, when John Murlin, the "weeping prophet," ¶

\* Broadside.

† Pamphlet.

‡ "Previous to the passing of this Act, the common law or customary obligation on a parish was considered to be the maintenance of one school-building in the parish" (*Manx Soc.*, vol. xii. p. 235. Note by Sir James Gell).

§ *I.e.*, Not only the maintenance of the building, but all school purposes.

|| *Statutes*, vol. ii. pp. 274-7.

¶ Rosser, p. 47.

stayed about a week in Ramsey. He preached to the people, who "gave great attention,"\* but, since he decided that there was "little probability of doing any considerable good while the whole island was a nest of smugglers,"\* no preacher came to it for some time afterwards.

The next arrival was John Crook, who was sent by a number of zealous Methodists in Liverpool early in 1775. He met with some opposition, but also with a good deal of sympathy, even among the clergy. He left the island in the autumn of the same year, when it was placed under the care of the preachers at Whitehaven, and considered as forming part of that circuit. In the following year, however, he returned and carried on his work with some success, though there was decided opposition to it, especially in Douglas, where he was attacked by a riotous mob set on by the minister of St. Matthew's. For protection, he applied to the governor, who took his part, and told the minister "that he would suffer no one to be persecuted for his religion."† After this, "though the storm was now fallen, the waves . . . continued turbulent,"‡ and there were yet troublous times in store for the Manx Methodists. In July, 1776, Bishop Richmond issued the following intolerant and violent pastoral letter to his clergy: "Whereas we have been informed that several un-

John Crook.

Bishop  
Richmond's  
letter against  
the Wesleyans.

\* Rosser, p. 47.

† Moore's *Life of Wesley*, quoted by Rosser, p. 84.

‡ *Ibid.*, p. 85.

other countries have for some time past presumed to preach and teach publicly, hold and maintain Conventicles, and have caused several weak persons to combine themselves together in a new Society, and have private meetings, assemblies, and Congregations contrary to the divine government, Rites, and Ceremonies of the Established Church, and the civil and ecclesiastical laws of this Isle—We do therefore, for the prevention of schism and the re-establishment of the uniformity in religious worship which so long hath subsisted among us, hereby desire and require each and every of you to be vigilant and use your utmost endeavours to dissuade your respective flocks from following or being led and misguided by such incompetent teachers.” He then spoke of “the crude, pragmatic, and inconsistent, if not profane and blasphemous, extempore effusions of these Pretenders to the true Religion;” he asked that the names of those attending meetings, who held “any place, office, or employment” under the Church, should be sent to him; and he ordered the clergy, if any of the preachers should “at any time hereafter offer to be a partaker of the holy Communion,” to “expel him or them so offering.”

Thomas  
Rutherford.

Fortunately but few of the clergy cared to carry out such instructions in their entirety, though, according to Thomas Rutherford, one of the preachers, not one of them “dared to give us the sacrament.” And, he continues: “I have no doubt but that they would have driven us out of the island but for



the Governor, who acted a most friendly part." \* Notwithstanding this opposition, they had already five hundred members, and "many of the poor people, both in the towns and throughout the country, received the truth, and much good was done." \* In the following year, Wesley himself paid the island a visit, and "was received in a very friendly manner by a few persons of respectability and influence." † The people generally also received him well, and he was favourably impressed by them, writing, "A more loving, simple-hearted people than this I never saw—and no wonder; for they have but six papists and no dissenters on the island." ‡

Wesley's first visit.

At the Wesleyan Conference of 1778, the Isle of Man was entered as a separate circuit, and the preachers appointed to it were John Crook and Robert Dall. During the three years the former worked in the island, the membership of the society largely increased, being fifteen hundred and ninety-seven in 1781. In May of that year, Wesley again came to the island, and was very favourably received. The bishop, George Mason, was an easy-going man, and did not interfere with the new preachers, whose work prospered. Wesley's impression of the people continued to be favourable, and he remarked in his diary—"Hardly in England (except perhaps at Bolton) have I found so plain,

Man as a separate circuit.

Wesley's second visit.

\* Rosser, p. 89.

† *Wesley's Journal*, quoted by Rosser, . 93.

‡ Rosser, p. 94.

so earnest, so simple a people ;” \* and again he speaks of “an artless, loving congregation.” † He was also much pleased with their singing, saying —“ I have not heard better singing either at Bristol or London ; many, both men and women, have admirable voices, and they sing with good judgment.” ‡

His opinion of  
Man as a  
circuit.

Of the preachers, who were now twenty-two in number, Wesley says—“ I never saw in England so many stout, well-looking preachers together. If their spirit be answerable to their look, I know not what can stand before them.” § And, after having visited the whole of the island, he declares that he “was thoroughly convinced that we have no such circuit as this either in England, Scotland, or Ireland.” §

Relations  
between the  
Church and the  
Wesleyans.

The Wesleyans continued to increase and prosper. In 1805, the island was constituted a separate district ; and, in 1825, it was stated that the Methodists of that time, “unlike their predecessors, have little opposition to expect from those who are without.” Indeed, after Bishop Richmond’s time, the Church and the Methodists worked, on the whole, amicably together, and we have ample proof that this state of things continued much longer than in England. Thus, one of the Wesleyans writes in 1822, “It was judged good policy to allow the Methodists in this Island to remain under the

\* Rosser, *Ibid.*, p. 98.

† *Ibid.*, p. 99.

‡ *Wesley’s Journal*, quoted by Rosser, p. 93.

§ *Ibid.*, p. 99.

protecting wing of the Establishment until their minds were better prepared for a separation, and now they seem disposed to imitate their brethren in the mother country."\*

We learn, however, that, in 1829, they had not yet "seceded from the established Church,"† but that they "adhere . . . to its services."† Also that "in the country parishes, the Methodists attend generally more regularly than others on the public worship of the Church."‡ But in the towns, the line of demarcation had been for some time more strongly marked, and, from 1836, when the chapels began to be opened during the time of Church service, though many of the Wesleyans considered this "a great evil,"‡ their separation from the Church may be dated.§ The process of separation was, however, even then a slow one, and, owing probably to the pronounced evangelical feeling which has gradually increased in the Manx Church, it has never extended to nearly the same extent as in England. It has been accentuated by the following Acts of Tynwald: The *Dissenters' Marriage Act*,§ in 1849, by which the governor may cause places of worship, other than those of the Established Church,

Acts relating  
to Noncon-  
formists.

\* Haining, *Guide to the Isle of Man*, p. 72.

† Teignmouth, vol. ii. pp. 254-5.

‡ *Ibid.*, pp. 254-5 and p. 259. The same writer refers to the caution the Methodists show in holding their services at such times as not to interfere with those of the Establishment, and he comments on their large attendance at the sacramental services in the parish churches.

§ *Statutes*, vol. ii. pp. 231-42.

to be registered for the celebration of marriages; the *Civil Registration Act*, passed in the same year, by which births, marriages, and deaths could be registered in these places; and further, if any objected to this, they might be married in the office of the deputy-registrar.\*

There is no very definite information as to the numbers of Nonconformists in the island during this period. In 1862, they had 91 chapels, with 35,000 sittings, 20 ministers, and 200 local preachers.

The Independents, or Congregationalists, were numerous enough to erect a chapel in 1808, the Presbyterians were in the same position in 1813, and the Primitive Methodists in 1819.

Till about 1845, Nonconformists were satisfied to have their children taught in the Church schools, but, after that date, they had a few schools of their own.

There seem to have been no Roman Catholics in Man till towards the end of the eighteenth century, when (in 1781) there were 25.† By 1813, their numbers had advanced sufficiently to enable them to erect a chapel, which was completed in 1814. This chapel, dedicated to St. Bridget, was on the Castletown road, about a mile from Douglas. In 1826, there were 550 members, with two chapels, one being at Castletown. In 1857, the foundation-stone of "St. Mary's of the Isle," in Douglas, was

\* *Statutes*, vol. ii. pp. 246-53.

† Wesley, in his *Journal* (see p. 677) gives the number as 6, in 1777.

laid, and it was opened for service two years later. This church, which is one of the finest in the island, is in the French style of the early thirteenth century. By 1865, the numbers of the Roman Catholics had risen to 2,000, and, besides the church just mentioned, there were three chapels.\* Sisters of Mercy were introduced in 1866.

\* At Castletown, Ramsey, and Peel.





BOOK V

*THE RECENT HISTORY*



## THE RECENT HISTORY

IT is no exaggeration to say that the Manx people *Introductory.* have made greater progress in all that appertains to civilization since 1866 than during the whole of the hundred years preceding that date. But, though we fix 1866 as a convenient period for marking the termination of what might be called the mediæval history of Man, and the beginning of its modern history, we must remember that the progress of its people began to be accelerated by the gradual breaking up of the old commercial and financial system, which was initiated in 1844 and 1853. Yet, though the advance made during the concluding years of our last period was in itself far from inconsiderable, it bears no comparison with the rapid progress, both in moral and material respects, which has taken place subsequently. How great this progress has been may be estimated from the following summary of the contrast between the state of things in 1866 and that existing at the present day. In 1866, the House of Keys was self-elected, and the antiquated system of judicature and of criminal law remained unreformed. Now there is a representative

Comparison of  
the situations  
before 1866, and  
34 years after  
that date.

House, whose members do not require a property qualification, a liberal franchise extended to both men and women, and a system of law and judicature modernized so as to meet the requirements of the present day. In 1866, the State in Man had not begun to seriously concern itself with such matters as education and the relief of the poor, which were most inefficiently cared for. Now, it administers a thorough system of free education, and a wise and non-oppressive poor law. In 1866, sanitation was conspicuous by its absence, and the death rate was consequently very heavy. Now, the sanitation of the towns is good, and judicious sanitary measures are enforced in the country. In 1866, municipal government was little more than a name. Now, it is a reality and, owing to the energetic labours of those who have successfully wielded its authority, the towns, especially Douglas, have been extended and improved in a way which has rendered them comparable with the most advanced towns in England. In 1866, there were no regulations for compulsory vaccination, and no reliable records of births, deaths, or marriages. Now, these are all in existence. In 1866, there were neither railways nor tramways. Now, the island is well supplied with both. And, finally, in 1866, the harbours of the island were practically unprotected from inshore winds, there was no low-water landing accommodation, and for eight months in the year the mails went only four times weekly to and from its shores. Now, there are magnificent harbour



works giving great, though still inadequate, protection, and nearly all the landing accommodation required, and the mails come and go on every week day throughout the year. But, it will be asked, is this the only side of the shield? And we are bound to admit in reply that it is not. In 1866, a considerable number of retired military and naval officers, whose expenditure tended to promote a general, if moderate, well-being among the trading classes, still resided in the island. Now, in consequence of the small difference between prices in Man and in England not affording them sufficient inducement to remain, they have all departed. Their places have been taken by hordes of visitors who, coming for a limited period only, require, for the supply of their wants the temporary service of a number of household servants, car drivers, boatmen, porters, &c. These people, therefore, during the greater part of the year are thrown out of employment. Thus, though the amount of money brought by the summer visitors is far greater than that expended by the permanent residents whom they have succeeded, and, though it has enriched the steamship companies, the banks, the hotel, boarding and lodging-house keepers, the various corporations which provide recreation and amusement, the tradesmen, and, to a lesser extent, the owners and occupiers of land, the temporarily employed class referred to, which, before 1866, was almost non-existent, has created a new problem in the way of pauperism as distinct from poverty. But, after all, the adverse changes are

insignificant as compared with the favourable changes, so that, speaking generally, the Manx people, except those employed in the depressed industries of fishing and mining, may justly be described as forming a prosperous community.

CONDITION OF  
THE PEOPLE.

The condition of the Manx labourers has greatly improved since the commencement of the present period. Their receipts are greater and their expenses less \* than they were thirty years ago. Their staple food is white bread, tea, fish, and, frequently meat; they are comfortably clothed,† and, as a rule, fairly well housed, though there is a regrettable tendency in Douglas to crowd them into tenements. In fact no class in the community has advanced so rapidly as they have.

Poor relief.

And yet, for the reasons already mentioned, it is during this period that the problem of the relief of the poor in the towns has become a serious one. In the country, the poor people are, in most of the parishes, well looked after by the vicars and wardens, or by their relatives and friends. But in the towns, especially in Douglas, which is the chief place of resort of the summer visitors, there are many who, during the winter, are dependent on charitable assistance. This assistance was, till recently, given by various voluntary associations, instead of one organization, in each town, the result being that

\* See pp. 696–8 for prices and wages. We should note that, since 1893, his expenses have been decreased by the grant of free education.

† If a Manx child is seen without shoes or stockings, it is almost certainly from choice and not from necessity.

many of the poor, and those often the least deserving, received much more than their share and others much less.\* In 1868, the Committee of the *House of Industry* in Douglas declared that the amount received through the voluntary system was altogether inadequate to supply the necessities of the poor, and they suggested that a canvass should be made to discover whether the popular feeling was in favour of a poor rate or not. The canvass was accordingly made, with the result that the large majority voted against any changes. Although, in 1869, a system of voluntary poor relief was organized in Ramsey, nothing in this direction was done in Douglas till 1880, when, as a result of the report of the "Poor Relief Medical Aid" Commission, a Poor Relief Board, called the "Central Relief," was elected.† The effect of this new departure was only to stave off for a time the necessity for a poor law. Apart from the inadequacy of the funds at its disposal,‡ the grave defect of the voluntary system was the want of organization for the medical relief of the poor. At last, in 1887, Governor Walpole, who truly declared that the system of poor relief in Douglas

Failure of the  
voluntary  
system.

\* In fact, as reported by the Poor Relief Commission in 1878, each charitable body acted independently, and was made the prey of professional paupers who get more than their full share, whereas the modest and retiring poor suffered (*Manx Blue Book*).

† It worked on something like the Ebberfeld voluntary system.

‡ It was calculated that, in 1885, the most pressing cases of distress cost £900, while the subscriptions only amounted to £600.

Walpole's  
proposals.

had "drifted on, not because its resources have been adequate to its requirements, but because its expenditure has been reduced to the lowest possible sum consistent with decency," \* made the following proposals for dealing with the question : (1) Poor relief to be granted. (2) Last three years' settlement to decide where it should be granted. (3) The Tynwald Court to have power, on the recommendation of the governor, to declare by resolution that any town or parish is not making adequate provision for the relief of its poor. (4) A committee † to be elected by the ratepayers of such district, such committee to make an estimate of the sum they consider necessary for the relief of the poor, and to hand over that estimate to the Asylums Board to collect the necessary rate for them. (5) A Poor Asylum to be provided the cost of which is to be paid for out of the general revenue.‡ A Bill embodying these proposals was introduced, and became law in 1888.§ The towns of Douglas and Ramsey at once took advantage of the new system, and they were followed by the town of Castletown in 1895, and by several of the country parishes since that date. The management of the Poor Asylum, or "Home for the Poor" as it is now called, is vested in the Asylums Board.|| Poor

A permissive  
poor law  
introduced in  
1888.

\* *Isle of Man Times*.

† Now "the Board of Guardians of the Poor."

‡ It cost about £12,000.

§ *Statutes*, vol. vi. pp. 55-62. Further Acts followed in 1889, 1893, and 1900. (*Ibid.*, pp. 104-6 and 524-44).

|| The Lunatic Asylum Committee having thus two institutions under its management received this name.

people, whether belonging to the declared districts or not, can be admitted to the Home for the Poor on payment by the district to which they belong of a charge equivalent to the average cost of maintenance.\* This permissive system of poor law has, on the whole, worked very well.† Further legislation, which mainly benefited the poorer classes, has been directed to dealing with the industrial and provident

\* About 4s. 8d. a week.

† No. of Persons in Receipt of Relief. (a)

Year.	Indoor.	Outdoor.		Total.
		Wholly.	Partially.	
1890	...	...	...	...
1893	150	29	759	938
1895	139	48	787	974
1899	...	...	...	...

COST OF POOR RELIEF. (b)

Year.	Douglas.	Ramsey.	Castletown.	Lezayre.
	£	£	£	£
1890	2,866	1,036 (c)	...	...
1893	2,517	622	...	...
1895	3,081	670	356	271
1899	3,409	782	293	193 (d)

(a) Inclusive of those in Home for the Poor, which increased from an average of 60·4 in 1893 to 107·75 in 1899.

(b) Exclusive of a grant in aid of £250 a year from the Revenue to the Home for the Poor.

(c) Including £469 for payment of debt.

(d) 1899, German, £122; Lonan, £312.



Provident and  
industrial  
societies.

societies.\* In the past much has been done by benefit societies, but many of the old parish clubs had either ceased to exist, or were on a very unsatisfactory footing, the proportion of old to young members being too great. There was also need of public and official inquiries into their financial condition for which provision was made.

Education.

It was not till 1872, when the insular Legislature passed the Public Elementary Education Act,† that the State undertook any direct responsibility for education. This Act was, in the main, on the lines of the English Act of 1870, though there were some important differences. The most remarkable feature of the Manx Act, from a constitutional standpoint, is the fact that it incorporates the code, for the time being, of the English Education Department. This is effected by the simple method of requiring that the conditions to be fulfilled by an insular school, in order to obtain a Government grant shall be those contained in the minutes of the Education Department.‡ In this way education in the island is saved from becoming local in its character, and from falling below the standard prevailing in England. The Manx schools are, in effect, included

\* An Act to provide for the incorporation, management, and winding up of Industrial and Provident Societies (1888), repealed in 1892, by the *Industrial and Building Societies Act* (*Statutes*, vol. vi. pp. 85-94 and 405-34).

† *Statutes*, vol. iv. pp. 57-93. We are indebted for the substance of this section to Mr. G. A. Ring, who has done so much for Manx education during the last eighteen years.

‡ For the time being.

in the great system governed by the Education Department at Whitehall. The same subjects are taught in them, the same inspectors visit them, and they are compelled to attain the same standard of efficiency as the English and Welsh schools. It was a masterly stroke of policy, and one of the many evidences of the statesmanlike character of the then governor (Loch), the author of the Act. The Manx schools are subject to the control of a central board, called, since 1899, the "Council of Education," which is elected by and is responsible to the Tynwald Court. There are three striking differences between the English and Manx Acts, each of which is worthy of notice. In England and Wales School Boards did not universally spring into existence upon the passing of the Act. Their creation depended upon the supply of school accommodation in the district. If this, after enquiry, was found to be inadequate, the district in default was required by the Department to supply the deficiency, and, if it failed to do so, a School Board was formed. In the Isle of Man, on the other hand, every town and parish was at once constituted a School District, under a School Board.\* Amongst the duties imposed upon the School Boards was that of enforcing the attendance of children at school. This suggests the second of the differences referred to, *i.e.*, that by the passing of the Manx Act the attendance of children became *ipso facto* compulsory,

\* Then and until 1899 called "School Committee."

the Act emphatically proclaiming the obligation of all parents to make their children attend school, and providing summary punishment in case of default. It was not until 1876 that the Imperial Parliament passed a measure to ensure the enforcement of this duty.\* The third point of difference, to which we shall refer, is one of far-reaching importance. The omission from the English Act of all obligation upon School Boards to teach religion, although, provided no distinctive formularies were used, such teaching was permissible, gained for the English Board Schools, though in most instances unjustly, the name of secular or "godless" schools. The prejudice thus created cannot be said to be as yet altogether extinct. In the Isle of Man this difficulty was avoided by a provision obliging every elementary school, those in connexion with the Church of Rome excepted, to provide for non-sectarian instruction in religious subjects, and for the reading of the Bible, accompanied by suitable explanation. It may fairly be said that this provision has done much to reconcile the people of the island to a system of undenominational education.† Striking evidence of this is to be found in

\* Under the Imperial Act of 1870 there was no national obligation as to attendance at school, it being left to the option of School Boards to make by-laws on the subject if they chose.

† It should be observed, however, that when a school was transferred, the privilege was, in most cases, reserved (by the condition of the transfer) to the clergyman of the parish in which the school was situated of giving religious instruction at certain times, which might be denominational in character.

the fact that no less than 17 of the 28 schools existing at the date of the Act of 1872 have been transferred to the School Boards.\*

We have thus seen that the Isle of Man was a pioneer in the educational field in several important respects. But this was not the case in free, or, more properly speaking, gratuitous education, England taking the lead in 1891, and being followed by the island in 1892.† The desire for more advanced education than that provided by the ordinary elementary schools, which has impelled so many of the large School Boards in England to establish "higher grade" schools, has shown itself also in the Isle of Man, and Douglas now possesses a school of this description, containing more than 300 boys and girls. Part of this institution is an organized school of science, conducted under the regulations of the "Science and Art" department.‡ The progress in education since 1872 has been most marked. The attendance has increased enormously in almost

\* There are now 53 schools, 42 Board, and 11 Denominational. Of the latter 6 belong to the Church of England, 3 to the Wesleyans, and 2 to the Roman Catholics.

† *Statutes*, vol. vi. pp. 379-88. The passage of this Act was largely due to the influence of Sir Spencer Walpole, the then governor. In 1893, the Education Acts were consolidated and amended. Among other changes, the age of compulsory attendance was, except under certain conditions, raised to 14 (*Ibid.*, pp. 454-508).

‡ A "School of Art" was established in Douglas by voluntary effort in 1879.

every district,\* and the accommodation provided, as well as the equipment of the schools has exhibited the most decided improvement. Douglas, besides its "higher grade" school, has three large elementary schools of the most approved modern pattern, and there are also some excellent school buildings in the country. Nor should we forget the fine schools which have been recently erected in Peel by the munificence of the Clothworkers Company in connexion with Philip Christian's ancient foundation.† Of the high standard of the education given in the Manx Schools, the very favourable reports of Her Majesty's inspectors, together with the facts that both the percentage of attendance at them, and the average amount of the Government grant paid for this attendance per child are greater than in the English and Welsh schools, afford ample proof.‡

*Prices.*

Since 1866, the prices of such commodities as

* Year.	Amount of Grant from Revenue. £	Average Attendance.
1878	4,417	4,097
1885	6,670	5,803
1890	7,499	6,397
1895	11,550	7,806
1900	13,387	8,081

† See Book II. p. 472.

	1898.	
	Manx Schools.	English and Welsh Schools.
‡ Percentage of attendance...	85·41	81·50
Government grant per child	£0 19s. 8·4d.	£0 19s. 4d.



beef, mutton,\* and pork, have advanced, while those of butter and poultry have not altered much, and bread, groceries, and clothes are cheaper.

Wages have increased to a much greater extent *Wages.* than prices, competent married farm servants (men) getting from £36 to £40 a year, with a free house, a ton or two of coals and other advantages. Unmarried men and lads get from £15 to £21 a year with their keep, and farm servant girls from £8 to £12. Without keep, the usual wage of an unmarried farm man or lad varies from £30 to £40 a year. The wages of domestic servants have also considerably increased. Carpenters earn from 30s. to 32s. per week, mechanics from 28s. to 34s., masons 30s., plasterers 34s., painters 28s., plumbers 32s., blacksmiths 30s., ordinary job labourers about 3s. a day in the country, and as much as 3s. 4d. in the towns.

To compare the position of the Manx labourer during the various periods between the fourteenth century and the present day would be both interesting and instructive; but, unfortunately, the accessible statistics relating to this subject are hardly precise enough to found definite conclusions upon. However, estimating the cost of the food of an adult labourer, at the present time, at 16d. a day, his wages being 3s., we think it probable that he is better off than his predecessors were, except possibly

Comparison of  
the position of  
the labourer at  
different  
periods.

\* Beef and mutton about 9d. Pork, 5d. to 6d. Butter from 1s. to 1s. 3d. Poultry, 2s. to 2s. 6d. Bread 6d. for the 4lb. loaf.

during the period between 1350 and 1500. We append a note on the approximate rate of wages and cost of food since 1350.\*

*Towns.*

The towns, especially Douglas, have made enormous advances since 1866. New streets have been opened out, insanitary areas have been done away with, systems of sewerage have been constructed, and municipal self-government has become a reality instead of little more than a sham.

*Douglas.*

Let us first briefly trace the chief steps in the advance of Douglas. In 1867, its houses were, for the first time, numbered uniformly. In the following year its main sewerage works were completed. In 1875, the fine new street, called Victoria Street, was

Period.	Per Diem.		Proportion of (2) to (1).
	(1) Approximate Wages.	(2) Approximate cost of food.*	
1350-1540	(?) 1½d.	½d.	2 to 5
1540-1642	(?) 2d.	1d.	1 „ 2
1642-1700	4d.	2d.	1 „ 2
1700-1765	5½.	3d.	7 „ 16
1765-1793	7d.	3½d.	1 „ 2
1793-1816	1s.	7d.	7 „ 12
1816-1830	8d.	5d.	5 „ 8
1830-1847	1s.	6d.	1 „ 2
1847-1866	1s. 6d.	9d.	1 „ 2
1867-1900	3s.	16d.	4 „ 9

Wages in 1898 are as 29 to 1 compared with 1540.

Cost of food in 1898 is as 32 to 1 compared with 1540.

\* It is impossible to estimate the cost of the items of expenditure, other than food, for all these periods.

completed;\* and, in 1878, the Loch Promenade, built on the foreshore, which gave the town a magnificent new frontage to the sea, was opened.† In 1882, the commissioners received additional powers, especially with regard to buildings and sanitary matters, but they were limited to a shilling rate ‡ till 1884, when it was increased to one shilling and threepence.§ In that year, too, their powers were again enlarged, especially with regard to precautions against the spreading of infectious disease. In 1886, by the *Local Government Act*, the Town Commissioners got unlimited rating powers, and, subject to the approval of the Tynwald Court, unlimited borrowing powers. Subject to the same control, they also obtained increased powers for acquiring gas and water undertakings, and for making bye-laws; and, in the same year, by the passage of the *Foreshore Act*, they became absolute owners of the foreshore.¶ At the same time, too, the town was divided into six wards, with three commissioners for each. In 1889, by the *Douglas Improvement Act*, the commissioners were authorized to declare areas unhealthy, and to make schemes for their improvement (being, for these purposes, invested with enlarged powers to take land compulsorily), and were required to provide dwellings for as many of the working classes as the

\* The Douglas Bay Tramway was started in 1876.

† Building lots on it sold at from 3s. 2d. to 9s. 6d. per square foot.

‡ *Statutes*, vol. v. pp. 196-203.

|| *Ibid.*, pp. 512-4.

§ *Ibid.*, pp. 408-11.

¶ *Ibid.*, pp. 464-6.

Tynwald Court should think necessary.\* In 1890, the *Douglas Water and Loans Act* authorized the creation of stock to the extent of £217,500, of which £144,000 was spent in acquiring the property of the Waterworks Company.† In that year, too, an Act was passed which permitted the Town Commissioners to close all private slaughter-houses in the town, when they had provided a public slaughter-house.‡ This they promptly proceeded to do. In 1892, the Tynwald Court approved of a scheme to remove a large number of insanitary buildings, and lay out new streets,§ and this work has since been carried out.||

In 1895, came the incorporation of the town, by which it was created a municipal borough, with eighteen councillors, six aldermen, and a mayor. The councillors are elected by the burgesses for three years, the aldermen by the council of the borough for six years, and the mayor by the aldermen and councillors for one year. Provisions were made for the appointment of a town clerk and for the retirement every year of one councillor from each ward (there being six wards as before) and of three aldermen every third year.¶ In the same year, an

\* *Statutes*, vol. vi. pp. 118-131.

† *Ibid.*, vol. vi. pp. 205-226.

‡ *Ibid.*, pp. 188-190.

§ An area bounded by Duke Street, King Street, Church Street, Heywood Place, and North Quay.

|| The following figures from a memorandum, by Mr. T. H. Nesbitt, late town clerk, show the sums expended on Douglas since 1866. Between 1866 and 1874, £40,000; between 1874 and 1895, £276,574.

¶ The *Douglas Municipal Incorporation Act 1895* (Loose).

Act was passed establishing a public cemetery for the borough.\*

It is impossible here to enter into details with regard to the other towns, but, generally speaking, it may be said that they are all vastly superior as regards sanitation, and the appearance of their streets and buildings to what they were thirty years ago. Ramsey, in particular, has developed very rapidly of late years.† Peel and Castletown obtained town commissioners in 1881. The villages of Port St. Mary, Port Erin, and Conchan have also greatly increased, having been declared village districts, the first two in 1890, and the last in 1896.

The police force has both improved in efficiency and increased in numbers, there now being 57 constables. These suffice for the needs of the island during the greater part of the year, but are quite incapable of dealing with the great numbers of visitors in the summer. To enable them to do so additional constables have recently been obtained, for temporary service, from elsewhere. Prison accommodation was very inadequate before the new prison, near Douglas, which has all the most

\* The Douglas Cemetery Act (Loose).

† Perhaps the best way of showing the progress of the towns is to give their rateable valuation:

	1887.	1890.	1895.	1899.
	£	£	£	£
Douglas	85,773	105,398	123,194	138,720
Ramsey	16,591	21,132	22,973	23,217
Castletown	5,876	6,543	6,809	7,340
Peel	7,654	10,075	10,430	10,794
Country	183,747	193,685	192,240	205,729



recent improvements, was finished in 1891.\* Till that year, the only prison was the old Castle Rushen, where it was impossible to adopt the system of solitary confinement in its full extent; and, indeed, it had been palpable for many years past, that the state of things existing there was, from the point of view both of humanity and of the maintenance of proper prison discipline, intolerable. In 1886, it was condemned by the official inspector, Sir E. Du Cane; and, in 1887, a motion was passed in the Tynwald Court in favour of a new prison.

*Crime.*

It was not till the year 1869 that accurate criminal statistics were kept. The result of them is to show that serious crime is very rare. During the last ten years (1890–99), for instance, there have been no convictions for murder, only three for manslaughter and five for criminal assault. The number both of indictable and of summary offences increased up to 1885, but since then they have decreased. Offences against the town bye-laws have also decreased.† These facts, especially when taken in connexion

\* An Act was passed for the construction of this prison in 1890. *Statutes*, vol. vi. pp. 197–202.

† Convictions for (1) indictable offences, (2) summary offences, and (3) offences against bye-laws:

Year.	(1)	(2)*	Total of (1) and (2)	(3)
1875	31	735	766	333
1880	68	1,004	1,072	418
1885	79	1,152	1,203	360
1890	46	932	978	354
1895	55	797	817	159
1900	53	654	707	171

Cases of drunkenness form the largest part under this heading. Cases tried exceed convictions by 9 (on an average) annually.

with the increased numbers and greater activity of the police, are very satisfactory.

The percentages of illegitimate births have continued at much the same level, though with a slight tendency to decrease.\*

Drunkenness still continues much too common. *Drink* Judging by the number of cases tried, it increased up to 1885, when the maximum number, 855, was attained. Since then it has decreased rapidly, the number in 1899 having been 526, as compared with 556 in 1866. Taking five-year periods, from 1867 to 1891, the cases tried number 419, 446, 763, 792, and 719 respectively, and, during the last eight years, the average number has been 618. Considering the increase both of the permanent population and the number of visitors, the percentage for the last period does not vary much from that of the first. But this percentage is, unfortunately, much above that of Great Britain and Ireland, since we find that, if the average number of cases tried in Man had been in the same proportion as in Great Britain and Ireland in 1890,† their total would have been only

\* Average percentages of illegitimate to legitimate births: 1879-83, 6.2 per cent.; 1884-88, 5.7 per cent.; 1889-93, 5.9 per cent.; 1894-96, 5.7 per cent.; 1897-8, 6.0 per cent. Maximum, in 1879, 7.2 per cent.; minimum, in 1894, 4.4 per cent.

† Total 315,895, population in 1891 being 37,732,922; that of Man, 55,608. The figures are the latest we could obtain for the whole kingdom. The average number of cases tried in England and Wales between 1874 and 1898 is 183,977, and for the five years 1894-98, 186,210. The number for the year 1890 is 189,746; so that, as far as England and Wales are concerned, 1890 is above the average. (*Judicial Statistics*, 1898, Part I.)

467, or, including visitors, 579.\* Licensing legislation since 1867 has been mainly confined to assimilating the Manx law to the English, though the Isle of Man still continues to close its public-houses to all, except *bonâ fide* travellers, on Sundays.† In 1894, licenses for the sale of beer during certain hours in registered boarding-houses were legalized‡ by an Act which has since expired and has not been renewed. In 1895, the issue of licences was committed to newly constituted licensing courts, in the appointment of whose members the principle of popular election was partially recognized. A Licensing Board was formed in each of the four districts, which remained as before,§ consisting of the high-bailiff, the justices and captains of the parishes,|| (who were members of the old court) and, in addition, of the members of the House of Keys and the chairman of the town ¶ and village commissioners

\* It is only fair to reckon the number of visitors with the Manx population. They averaged 337,927 for 1892-9, a number which is reckoned for customs purposes as equivalent to an addition to the permanent population of 13,146. If, then, the population of the Isle of Man is reckoned at 68,754 (55,608 and 13,146) its number of cases of drunkenness would have been 579, if in the same proportion as in Great Britain and Ireland. It should be stated, however, that the proportion added is so large that separate returns for the visitors should be obtained in order to draw a reasonably correct inference from it.

† Licensing Acts were passed in 1876 and 1881. *Statutes*, vol. iv. pp. 414-39 and vol. v. pp. 103-110. In 1882, a "Local Option" Bill was rejected by the Keys.

‡ *Ibid.*, vol. vi. pp. 605-11.

§ See p. 581.

|| The Rectors and Vicars of parishes ceased to be members.

¶ The Mayor in the case of Douglas.

within the district. It was provided that each Board should annually elect six of its members to form the Licensing Court for the district, the seventh member, the high-bailiff, being chairman *ex-officio*. Further, a general Court of Appeal was established, consisting of the four high-bailiffs and five elected members, two chosen by the Board of the Douglas district and one by each of the other Boards. From the decision of this court there is no appeal, except on a question of law. The district courts were, in the same year, permitted to substitute short-term licences for general public-house licences if they saw fit;\* and, in 1898, the sale of intoxicating liquors to persons under fourteen years of age was prohibited.\*

The sanitary conditions, especially of the towns, *Health.* at the beginning of the period, were still very unsatisfactory, and the continued efforts of Governor Loch to improve them met with determined opposition in the Legislature.

The Common Lodging Houses Act of 1865 was evaded to such an extent that the small lodging-houses in Douglas and the other towns continued to be in a bad state till 1878, when this Act was amended.† In 1880, a Bill dealing with sanitary matters was rejected by the Keys, and it was not till 1884 that such questions as the formation of sanitary districts, the disposal of sewerage, scavenging and cleaning, public nuisances, offensive trades, unsound meat and infectious diseases were at all adequately

\* *Licensing Amendment Act*, 1895 (Loose).

† *Statutes*, vol. iv. pp. 507-14.

dealt with.\* The Act passed in that year was repealed two years later by the *Local Government Act*, which consolidated and amended all previous Acts relating to sanitary administration.† From this date a rapid improvement set in, stringent regulations being made about the supply of water, the licences for slaughter-houses ‡ and the erection of public slaughter-houses. In 1894, the sanitary condition of the towns had greatly advanced, but that of the country was still unsatisfactory. To deal with it an Act was passed which constituted parish and village districts, with commissioners to be elected by the people, who had, in conjunction with a new central Board, elected by the Tynwald Court, called the “Local Government Board,” and an inspector appointed by it, to attend to all sanitary questions and infectious diseases throughout the country.§

With a similar object, Acts have been passed for the prevention of the adulteration of food and drink, public analysts being appointed to detect any breaches of the law in this respect, ¶ for the regulation of the composition of bread ¶¶ and for the provision of vaccination and the suppression of the practice of inoculation.\*\* The last Act, however, which was passed in 1876, did not make vaccination

\* *Statutes*, vol. v. pp. 374–400.

† *Ibid.*, pp. 512–629. This was again amended in 1889, see vol. vi. pp. 134–150. ‡ *Ibid.*, vol. vi. pp. 179–83 and 188–90.

§ *Ibid.*, vol. vi. pp. 562–78. The Burials Act of 1882 (*Ibid.*, vol. v. pp. 110–27) was also a sanitary measure.

¶ *Ibid.*, vol. iii. pp. 497–9; vol. iv. pp. 316–28.

¶¶ *Ibid.*, vol. v. pp. 77–82. \*\* *Ibid.*, vol. iv. pp. 468–71.



compulsory, this not being done till two years later,\* after the Keys had been alarmed by the outbreak of small-pox in 1877.

There were outbreaks of small-pox in 1865, 1869, 1871, and 1877, but, since vaccination has been made compulsory, it has practically disappeared. In 1888, a fever hospital was established at the "White Hoe," near Douglas.

We may note that the public security has also been cared for by Acts dealing with the safe custody of dangerous goods.† As a result of these measures, health has very greatly improved. The death rate, which between 1879 and 1898 ‡ averaged 20·0 per thousand, was 20·6 during the first five years, and 19·2 during the last five.§

\* *Statutes*, vol. iv. pp. 531-9.

† *Ibid.*, vol. iii. pp. 551-62; vol. v. pp. 86-90 and 262-66; vol. vi. pp. 557-8.

‡ Registration was not made compulsory till 1878 (*Statutes*, vol. iv. pp. 519-22), and so no satisfactory statistics are obtainable before that date.

§ BIRTHS, MARRIAGES, AND DEATHS (FIVE-YEAR PERIODS).

Numbers Registered.					Rate per 1,000 of Population.				
Years.	Births.	Marriages.	Deaths.	Excess of Births over Deaths.	Births.	Marriages.	Deaths.		
							Island.	Urban.	Country.
1879-83	1,475	350	1,108	366	27·5	6·51	20·6	23·6	17·9
1884-88	1,508	373	1,102	406	28·1	6·97	20·6	24·6	16·9
1889-93	1,455	375	1,095	360	26·4	6·81	19·8	22·0	17·5
1894-98	1,426	396	1,082	344	25·6	7·10	19·4	20·1	17·9

*The greatest percentages (since 1884) of births, in 1889, 29·5 ;*

*Population.*

The population has not increased much since 1869, its natural growth being almost counter-balanced by a small, but steady, emigration. The most remarkable thing about the population is the way in which it has moved from the country into the towns, or rather into Douglas. Thus, in 1871, the population of the country was 30,303, and of the towns, 23,739; whereas, in 1891, that of the former was 25,408, and that of the latter 30,200. Douglas has increased from 13,972 to 19,525; Ramsey from 3,934 to 4,866, and Peel from 3,573 to 3,631,\* while Castletown has fallen from 2,320 to 2,178.

## TRADE.

Has greatly  
increased.

Insular trade has greatly grown and prospered, though in some directions, owing to undue stimulation, its prosperity has been more apparent than real. Its growth is shown by the statistics relating to the increase of the tonnage of the vessels entering the Manx ports, to the returns from the railways and tramways, to the deposits, &c., in the banks, to the number and capital of public companies registered as carrying on business in the island,† and to the enormous increase in the rateable value of the towns, of *marriages*, in 1893, 7·55; of *deaths* (island), in 1880, 21·9; urban, ditto, 26·4; country, in 1895, 20·2. The smallest percentages (since 1884) of births, 23·9, in 1892; of marriages, 6·14, in 1888; of deaths (island), in 1898, 18·1; urban, 19·0, in 1896; country, 14·5, in 1889.

\* Appendix B, Book IV. All the country districts, except Middle Sheading, show a large decrease: Glenfaba, of 1,117; Michael, of 717; Ayre, of 968; Garff, of 1,220; Rushen, of 708 and Middle, of 22. This small decrease of Middle is, however, mainly due to the increase of the village of Conchan and of suburban residences near Douglas.

† For full particulars see Appendix A.

especially Douglas.\* A severe check has, however, been given to it by the failure of Dumbell's Bank in February, 1900.

Till about 1878, the exports of cattle, turnips, hay, butter, and eggs largely exceeded the imports, but, since that date, the tendency is for the imports of all such commodities, except turnips, to exceed the exports by a steadily increasing amount, and, of late years, notwithstanding the largely increased production of fruit, flowers, and vegetables in the island, considerable quantities of these commodities have also been imported.

Let us briefly note the chief events which have marked the expansion of Manx trade.

In the first place, our attention is claimed by the public works which have been completed since 1866. In 1870, the internal telegraphic communication, which had hitherto been confined to Douglas and Ramsey, was extended to Castletown and Peel. In 1873, the Victoria Pier in Douglas was completed. Railways have been made between Douglas and Peel (finished in 1873); between Douglas, Castletown, and Port Erin (in 1874); between Ramsey and St. John's, connecting with the Peel line at the latter place (in 1877), and between Foxdale and St. John's (in 1886). Tramways were laid along Douglas Bay † (in 1883); between Douglas and Laxey, ‡ (in 1895); between Laxey and the summit ‡

\* See note † p. 701.

† Horse.

‡ Electric. The tramway to Snaefell was the first successful mountain tramway in the United Kingdom.

of Snaefell (in 1896) ; \* in Douglas † (in 1897), and between Laxey and Ramsey \* (in 1898).

Steamers.

We may also mention that a line of steamers began running between Douglas and Barrow, in the summer months in 1874, and that, since then, the ports to and from which there is summer traffic by steamer have become more numerous, and the numbers, speed, and dimensions of the steamers ‡ engaged in this traffic has largely increased.

Trade  
legislation.

Another evidence of the progress of Manx trade may be seen in the legislation which its expansion has rendered necessary. Bankruptcy Acts were passed in 1872 and 1892, § the latter of which took the control of the debtor's estates out of the hands of the creditors and gave it to the court. It cannot, however, be said that the Manx law relating to bankruptcy is altogether satisfactory. In 1872 and 1884, || there was further legislation with reference to Joint Stock Companies ; ¶ in 1880, provisions were made for the local inspection and verification of weights and measures, it being enacted that Manx § weights and measures were to be made uniform with those throughout the United Kingdom. \*\* In 1884, an Act was passed to codify the law relating to bills of exchange, cheques, and

\* Electric.

† Cable traction.

‡ The largest vessel of the Isle of Man Steam Packet Co.'s fleet is 2,500 tons burthen, has 10,000 horse power and steams 24 miles an hour.

§ *Statutes*, vol. iv. pp. 12-26, and *Ibid.*, vol. vi. pp. 312-64.

|| *Ibid.*, vol. iv. pp. 150-4, and vol. v. pp. 343-51.

¶ Appendix A.

\*\* *Statutes*, vol. v. pp. 41-53.

promissory notes.\* In 1885 and 1898, the fraudulent marking of merchandize was dealt with; † in 1892, a duty on the registration of Limited Liability Companies was imposed; ‡ and, in 1895, the law relating to the sale of goods was codified.§ There were also numerous Acts regulating the railways and tramways. Trade legislation is, however, still very much behind that of England.

Since labour has become dearer and scarcer, Manx INDUSTRIES. textile industries have, generally speaking, been in a declining position, being unable to compete with the larger and more completely organized manufactories elsewhere. The principal manufactured articles are woollen cloths and blankets, hemp ropes, flax sail-cloth, and cotton herring nets. Though the quantity of these goods exported is greater than before 1866, their local consumption, except in the case of herring nets, has shrunk to very small dimensions.

Respecting other industries there is little to record.||

Since the introduction of iron ships, shipbuilding has been mainly confined to the production of herring fishing vessels of a large and fine class. Brewing, stimulated by the large summer demand of the visitors, has flourished. There are fewer breweries than formerly, but these few are, compared with their predecessors, large and well organized concerns.

\* *Statutes*, vol. v. pp. 310-42. † *Ibid.*, pp. 422-30.

‡ *Ibid.*, pp. 364-5.

§ *Ibid.*, pp. 618-37.

|| For Agriculture, Fishing, and Mining see Book VIII.



The "visiting"  
industry.

But there is one industry, for so it may really be called, that of provision for summer visitors, which, since 1866, has taken vast strides. Between that year and 1873, when the Victoria Pier was opened, the average annual number of visitors was estimated at 60,000. In 1873, there were about 90,000; in 1877, 86,350; in 1880, 92,765. By 1884, this number was nearly doubled, with 182,669, and this was again the case in 1887, when 347,968 came.\*

This was, for some time, the highest number reached, the numbers falling back in the interval between 1887 and 1896, but, in the latter year, the total rose to 361,362, and, in 1899, it was 418,142.

The Commission appointed to enquire into the condition of local industries and the feasibility of extending them has, in 1900, reported with reference to industries other than agricultural, fishing, mining, and the "visiting" as follows:—

"We are of opinion that, owing to the great demand for labour in connexion with the successful visiting industry, and the consequent difficulty in obtaining it for other industries that, with the possible exception of forestry, market gardening, poultry-keeping, and bee-keeping, which could be carried on to a greater extent than at present, by the better application of the labour at present available, without any appreciable addition to its amount, the extension of the present industries of the Island is impracticable.

\* This was an abnormal expansion, due to the "Jubilee" season and rival Steam Packet Companies.

“To the introduction of new industries, with the exception of such industries as might be pursued during the winter, to which we refer below, the same objection applies.

“We would also point out that apart from lead and copper ores, barley, and wood, the Isle of Man produces scarcely any raw material for manufactures, so that, except perhaps in spinning and weaving wool and in distilling whisky, it could not compete with English and Scotch manufacturing centres, where they have coal on the spot, together with a steady support of labour and enormous capital to establish large concerns, which can work much more cheaply than smaller ones. To set against these advantages we have only excellent water power. Besides woollen manufacturing and distilleries, which would be hampered by the difficulty in obtaining a steady supply of labour, the only industries which would have any chance of success would be art industries: wood-carving, fancy articles in brass and iron, embroidery, &c., which could be carried on in the people's homes during the winter—such industries, in fact, as the Isle of Man Guild has been endeavouring, with indifferent success, to promote during the last ten years. To render them commercially successful it is absolutely necessary that such industries should have sufficient artistic merit to enable them to command prices sufficient to compensate for their only being carried on part of the year.”

During this period the revenue has grown from REVENUE.

£44,356, in 1867, to £82,485 in 1900, though, at the same time, the debt has increased from £46,191, in 1870, to £186,322, in 1900.\*

But the value obtained in public works has far exceeded the amount of the debt, since, between 1866 and 1893, more than £400,000 has been spent on harbours,† and more than £60,000 on public buildings, and this, of course, is in addition to defraying the ordinary expenses of government, some of which, as we shall see, have largely increased in the interval. Though part of the growth of revenue is due to increased taxation, more of it has undoubtedly arisen from the expansion of insular trade and wealth.

Compared at  
different  
periods.

In considering the state of the finances we may conveniently divide this period into three parts: viz., the administration of Governor Loch till 1882, that of Governor Walpole till 1893, and that of their successors to the present time. In 1867, the revenue was £44,356, and there was a balance of cash in excess of debt amounting to £13,539. On the other hand, there had been no important addition‡ to harbour and other public works for many years. In 1882, the revenue was £51,058,§ and the debt was

\* It reached its highest in 1894, when it was £219,531. (See Appendix B.)

† Exclusive of the £2,300 specially devoted to repairs. Some of the £400,000 has, as we shall see, been wasted, but the greater part of it may fairly be classed as productive expenditure.

‡ See under Harbours.

§ We should note that from 1879 the revenue gained £2,000 a year, being the estimated amount of English duty-paid goods imported into the island (see p. 721).

£135,797, but more than £253,000 had been spent on harbour works alone.\*

In 1893, the revenue was £72,302, the debt £209,560, and more than £188,000 had (since 1882), been spent on harbour and other public works.† In 1900, the revenue and debt are, as already stated. About £86,000 has (since 1893) been spent on public works.

It will probably be interesting to indicate the main sources of the customs' revenue and how they have varied during the last thirty years.‡ Spirituous liquors of various kinds form the largest item, the amount of revenue obtained from them having increased from £23,205 in 1870, to £48,199 in 1900, the consumption having risen from 67,929 gallons in 1867, to 78,674 gallons in 1900. This, considering the very large growth in the number of visitors, does not indicate much alteration in the consumption per head of the population. The change in popular taste is indicated by the large increase in the amount of whisky consumed, and the decrease in the amount of rum. The largest gain is that from tobacco, which gave £9,289 in 1870, and £19,680 in 1895, the quantities having increased from 76,656 lbs. in 1867, to 105,306 lbs. in 1890.§ Tea also shows an

\* Apart from the £2,300 see note †, p. 714.

† Governor Walpole was a very capable financier, and his adjustments and arrangements of taxation were judicious (see Appendix C).

‡ In Appendix B full particulars will be found of the quantities of imported goods paying duty, and of the revenue obtained from them.

§ See Appendices B and C.

enormous increase, giving £6,671 in 1895, as compared with £3,888 in 1870; while the quantity has increased from 236,358 lbs. in 1867, to 353,230 lbs. in 1890.\* The duty on beer, too, is now a considerable item.

*Post office.*

The post-office continues, as before, to be worked by the Imperial authorities; it is not known what revenue they derive from it. In 1872, the Isle of Man Telegraph Company was wound up and taken over by them.

In 1879, a daily mail throughout the year was commenced, and, since then, the number of letters and telegrams has largely increased and greater postal facilities have been granted.

**TAXATION.**

Since 1866, the duties on spirits have been considerably increased,† and a smaller increase has been imposed on the tobacco and wine duties. The duty on coffee has almost disappeared, and those on sugar and corn have been entirely removed, while that on tea remained at the same level till 1900, when it was increased.

In 1874, a duty was placed on Manx brewed beer, and, in the same year, harbour dues were imposed.

*Local rates.*

Of the general local rates, those for lunatics and highways have practically remained stationary, while that for education has largely increased, and a rate for poor relief in certain districts was levied for the first time in 1890. The rates in the towns have enormously increased.‡

\* See Appendices B and C.

† Appendix D.

‡ These are more particularly discussed under the headings of highways, towns, &c.



The ordinary expenditure has gradually risen from EXPENDITURE. £35,000 in 1867, to £72,636 in 1900. Its chief items, apart from the annual payment of £10,000 to the Imperial Exchequer, are the cost of collection of the customs (including the salaries of the revenue officers), the salaries and pensions on the Civil List, the cost of the police force and gaol, the interest on and repayment of debt,\* the maintenance of and repair of harbours\* and the cost of public education.\* It will be seen, from the figures given below,† that the amounts paid for the collection of customs and for the Civil List have, as the result of good management and the doing away with superfluous officials, been somewhat reduced, though the salaries of most of the remaining officials have been considerably increased.‡ The cost of the police has, on the other hand, been largely increased, but more than a corresponding gain both in numbers and efficiency has resulted. The interest on and the repayment of debt, by reason of Governor Walpole's Loan arrangements. loan arrangements, stood at the fixed sum of £10,376 from 1884 to 1889, it then advanced until, in 1892, it reached the sum of £15,672, at which it still remains.

\* These are discussed under special headings.

† Chief items of expenditure—

		1867.	1875.	1880.	1885.	1890.	1895.	1900.
Customs.	Cost	£	£	£	£	£	£	£
	of collection	3,316	3,291	3,249	3,136	2,910	2,746	2,639
Civil List	...	10,025	9,932	10,149	9,834	9,871	9,947	13,532
Police	...	2,228	3,102	3,401	3,769	4,338	5,698	5,848
Gaol	...	...	1,775	1,065	1,152	930	968	1,016

‡ Appendix E. Book IV., ch. ii.

## HARBOURS.

The necessity of obtaining sufficient money for the improvement of the harbours was one of the main causes which brought about the constitutional changes of 1866.\* The greatest need was that of landing accommodation, at all states of the tide, for the rapidly increasing passenger traffic at Douglas, and this was supplied by the pier, afterwards called the Victoria Pier, which was commenced in 1867, being opened for traffic in 1871, and completed in 1873. In 1872, the Harbour Board became responsible to the Tynwald Court,\* which, consequently, gained control over the insular harbours. One of the court's first actions was to obtain an Imperial Act enabling it to levy harbour dues,† a proceeding which was received with dissatisfaction by the Manx fishermen who thought it very unfair that dues should be levied upon ports, such as Peel and Port St. Mary, where insufficient protection was afforded to the fishing boats. They appointed a deputation ‡ to meet the governor at Tynwald on the 5th of July, and about four hundred fishermen accompanied it.§ The governor told them that there was no intention of re-imposing harbour dues, except in those places where large sums of money

The fishermen  
object to  
harbour dues.

\* For discussion of these questions see Book VI. § 2.

† By 37 Vic. c. 8.

‡ Twelve from Peel and twelve from Port St. Mary.

§ It appears that there had been considerable excitement among the fishermen, and that about 1,000 men had intended to make a demonstration at Tynwald, but yielding to the advice of Messrs. Adams and Clucas, their advocates, they appointed the deputation.

had been expended out of public funds; and that, when proposals for improvements of the ports of Peel and Port St. Mary were brought forward in a proper manner,\* they would receive careful attention. With this promise they were appeased, and, indeed, no harbour dues were levied for some years later. Nothing was done, however, for the Peel and Port St. Mary harbours,† and so, in 1880, about a thousand fishermen made a demonstration at Tynwald and presented a memorial to the governor. The governor replied that the *Isle of Man Loans Act*,‡ which would enable money to be raised in England for harbour works, had been passed by Parliament, and that the Committee of the Tynwald Court which had been appointed to enquire what improvements were required in the harbours would shortly issue its report. In this a breakwater at Peel, a pier at Port St. Mary and Ramsey, and some changes in Castletown harbour, were recommended. All these works have since been carried out. The Bill referred to had been passed as one of the consequences of the part-settlement of the question of the Port Erin breakwater, which, from 1870 to 1879, disturbed the cordial relations of the island with the Imperial Government. During that period this

New harbour  
works.

\* The governor objected to the presence of so many fishermen, saying that: "he must protest against their meeting in large bodies either with a view to intimidation or to dictate in any shape or form to the Court or any members of it" (*Manx Sun*).

† Owing to the action of the English Government. See p. 721.

‡ 43 and 44 Vic. c. 8.

The Port Erin  
breakwater.

question was of absorbing interest to Manxmen, but it may now be relegated to obscurity with a very brief mention. It will be remembered that, as stated in a former chapter,\* the breakwater was commenced in 1864. In 1868, it was damaged by a storm, and, in the following year, Governor Loch persuaded an unwilling Tynwald Court into granting a sum of £13,000 to enable the necessary repairs to be done and the breakwater to be completed.†

By 1870, it had become evident that the dues would not even pay for the maintenance of the breakwater. Under these circumstances, the Imperial Government, on the plea that it had been misled about the amount of dues likely to be received for the use of the harbour, demanded that the island should be responsible for the whole loan. It admitted that it was legally liable for this amount, but declared that the Manx Legislature was morally liable. To this the Tynwald Court replied that, since the work had been largely undertaken to provide a refuge for the Imperial shipping, and not exclusively for the fishing fleet of the island, the insular revenue was not liable for the money expended there. Neither side would give way. Finally, in 1875, the Imperial authorities offered to "concede" certain claims made by the Tynwald Court, which included rating of the insular crown lands, the refunding of duties paid in England on

\* P. 632.

† At a later period it voted £6,650 more for the same purpose.

goods afterwards imported to the island, and an additional payment by the Post Office towards a daily mail, on condition that its terms, as regards the Port Erin loan, were accepted. But the Tynwald Court declined, and so the Government refused to sanction any further expenditure on public works and denied all further borrowing facilities.

For four years longer nothing was done, though there were lengthy negotiations, and it was not till 1879 that the question was settled on the following basis :—

(1) The claim of £58,200 to be liquidated by a payment of £23,000.

(2) The island to be credited with £2,000 per annum, which was the estimated amount of English duty paid on goods imported.

(3) The island to be granted freer borrowing powers ; and (4) to have a daily mail.

We may add that the breakwater was again damaged in 1882 ; that, in 1883, £2,955 was voted by the Tynwald Court for its repair ; and that it was finally destroyed in 1884, after having cost the island £45,600,\* to say nothing of the resulting damage to Port Erin bay.

In 1883, the revenue of the Harbour Board received a considerable addition by the imposition of a tax of one penny on every passenger landed in the island,† and, in 1885, harbour dues were again charged.‡ In

Passenger tax  
and harbour  
dues imposed.

\* *I.e.*, £23,000 + £13,000 + £6,650 + £2,955.

† By Isle of Man Harbours Act (Imperial), 46 and 47 Vic. c. 9.

‡ Each vessel not landing cargo and not landing or embarking



Further new  
works.

1886, the extension of the Victoria Pier, for which £52,500 had been voted, was begun. It was finished five years later. Other extensive works which have been carried out are the Battery Pier at Douglas, the breakwater at Peel, the Alfred Pier at Port St. Mary, and the Queen's low-water landing pier at Ramsey.

Highways.

At the beginning of this period there was a good deal of agitation on the subject of the highway-rate, especially with regard to the unjust charge of 3s. on each house in Douglas, irrespective of its value. Several bills relating to the subject were discussed by the Keys, but nothing was done till 1874, when an Act was passed giving power to levy a general rate, not exceeding 3d. in the £ on all real estate, except in Douglas and Ramsey, and also to levy a drainage rate.\* In 1891, the policy of granting money from the revenue for the opening out new roads, chiefly for the benefit of visitors, was proposed by Governor Walpole, and it was initiated in 1893 by a grant of £2,000 for that purpose.†

passengers and not being a wind-bound or fishing vessel, pays 2d. per ton. Each vessel wind-bound and not discharging cargo, or being a fishing vessel, pays ½d. per ton. Fishing vessels pay £1 per year. Every vessel, other than a fishing-vessel, lying in harbour more than six months pays, in addition to entrance dues, or dues on goods landed, 6d. per ton, and on all goods landed from a vessel, other than a fishing vessel, 3d. per ton.

\* *Statutes*, vol. iv. pp. 352-64. The title of the committee of management was changed from "Committee of Highways" to "Highway Board." In 1883, the towns of Peel and Castletown were removed from the jurisdiction of the Highway Board (see *Ibid.*, vol. v. pp. 216-221).

† Up to 1896, £6,000 had been granted for this purpose, but nothing further has been granted since that date.

The amount of the highway rate has not varied since 1874, but, owing to the increase in the receipts from duties on carriages and dogs and from public-house and other licences, the total sum at the disposal of the Board is greater, rising from £6,677 in 1879 to £9,562 in 1899.

This has, of course, enabled the roads to be kept in better condition than formerly, though there is still room for improvement, especially as regards the secondary roads, which are mainly used by farmers.

Progress in various directions, not already indicated, is shown by the passage of Acts relating to the protection of women and girls,\* to the prevention of cruelty to animals,† to the prevention of accidents in merchant shipping,‡ to the regulation of industrial provident societies,§ and to the care of ancient monuments.||

Under this heading we may also mention the transference of the sittings of the Legislature and of the chief law courts, and the removal of the insular Records, to Douglas, and the provision of lifeboats and rocket-brigades for all the towns.

#### CHURCH AND NONCONFORMITY.

We shall deal very briefly with the history of the

\* *Statutes*, vol. v. pp. 503-12.

† By the "Seagulls Preservation Act" of 1868, by prevention of the destruction of wild birds and their eggs in 1887, and by the amendment of the "Cruelty to Animals Act" in 1885 and 1895. *Ibid.* vol. iii. pp. 435-36. *Ibid.*, vol. vi. pp. 16-19, 47-9, and 638-39.

‡ *Ibid.*, vol. v. pp. 441-48.

§ *Ibid.*, vol. vi. pp. 85-94 and 405-32.

|| *Ibid.*, vol. v. pp. 493-98.

Church and the Nonconformists since 1866. Both have made rapid progress, but, especially in Douglas, it has been, perhaps, rather more marked in the case of the latter than of the former.

*Church.*

Church  
building.

Church building has gone on steadily. Not only are there additional churches in the towns of Ramsey and Peel, and new parish churches in Braddan, Bride, and Patrick, while in Douglas, a new and commodious building has taken the place of the old St. Matthew's Church, but such places as Port Erin, Port St. Mary, and Foxdale have been provided with chapels.

Theological  
School.

In 1878, the "Sodor and Man Theological School" was established by Bishop Hill, in connexion with King William's College, for the training of candidates for orders in this diocese, so that the design of Bishop Barrow, which the foundation of King William's College had not entirely carried out, might be accomplished. In 1889, the theological school was transferred by Bishop Bardsley to Bishop's Court, under the title of "Bishop Wilson's Theological School," and it has since been affiliated to Durham University.

Incomes of the  
clergy.

During the last few years, owing to the low price of corn, the incomes of the clergy have been greatly reduced, and, as the cost of living has increased, they are, at present, very inadequately provided for. Efforts have been made to assist them by the establishment of a "Church Sustenta-

tion Fund," in 1894, through the exertions of Bishop Straton,\* and by the re-introduction of the old custom of "Easter offerings." † The bishop has had also to submit to the reduction of his income. By the "Bishops Temporalities Act," in 1878, it was arranged that, if the bishop's income amounted to £2,500 or more, he was to pay £500 to trustees to form a fund for the augmentation of benefices, but, if his income were less than £2,500, he had only to pay as much as it exceeded £2,000. As, however, his tithe has been affected in the same way as that of the clergy, there has, latterly, been no surplus available. Among other things indicating Church progress we may mention the issue of a Diocesan Calendar in 1880, and of a Magazine in 1890. A Diocesan conference was held in 1880, and, since 1893, it has been annual.

### *Nonconformity.*

This, as will be seen from the statistics given in Appendix F, has been a period of activity in church building among the various Nonconformist denominations. The Baptists have become numerous enough to form a distinct congregation, but the Unitarians have disappeared. Among the Wesleyan and Primitive Methodists, in particular, there has

Church  
building.

\* By an Act passed in 1895 the Trustees of the Improprate Fund were made Trustees of this fund (*Statutes*, vol. vi. pp. 648-55).

† The passage, in 1893, of an Act to facilitate the letting and sale of Glebe Lands has also been advantageous to the clergy (*Ibid.*, pp. 545-62).

been a great development of open-air services in the country.

This period has also been marked by legislation in the direction of giving Nonconformists equal rights with Churchmen. The *Civil Registration Act* of 1876 formed regular civil registration districts, where registration is made compulsory ; \* and, in 1885, this Act was amended by a provision that the presence of a Registrar is not necessary at a marriage in a registered building.† By the *Burials Act* of 1881 burials might take place in churchyards without the rites of the Church of England ; ‡ and, in 1899, any burial service, provided it be “ Christian,” was permitted in the mortuary chapels connected with the burial grounds of two of the largest parishes.

The good feeling existing between Churchmen and Nonconformists prior to 1866 has, we believe, been fairly well maintained since that date. We can, at least, confidently state that there is a marked absence of the antagonism which still exists in some parts of England.

At the present time there are 2,030 members of the Roman Catholic Church in the island,§ most of them being of Irish birth or descent.

\* *Statutes*, vol. ii. pp. 246-43.

† *Ibid.*, vol. v. pp. 433-36.

‡ *Ibid.*, pp. 110-127.

§ Information from the Rev. Father Walsh.



## APPENDIX A.

## ISLE OF MAN RAILWAYS.

	Paid-up Capital.	Passengers.	Weight of Goods Conveyed.	Gross Receipts.	Working Expenditure.	Net Receipts.	Proportion of W.E. to G.R.
	£	No.	Tons.	£	£	£	%
1878	229,637	526,546	23,374	20,105	9,651	10,454	48·0
1880	352,489	765,699	34,938	33,851	18,655	15,196	55·0
1885	371,214	774,806	49,088	32,853	16,387	16,466	50·0
1890	384,640	807,958	62,702	35,807	17,667	16,860	50·4
1895	399,924	830,263	57,079	37,135	18,730	17,833	50·4
1899	399,924	866,710	49,002	39,392	19,398	19,994	49·2

## ISLE OF MAN TRAMWAYS.

1883	14,600	...	...	2,291	1,314	977	57·0
1885	21,084	...	...	3,227	1,577	1,650	49·0
1890	26,454	713,354	...	6,394	3,055	3,339	47·8
1895	176,100	1,843,697	...	26,467	12,000	14,467	45·3*

		Number of Manx Vessels † and their Tonnage.				Vessels Built in the Isle of Man and their Tonnage.			
	Tonnage of Vessels entered at Manx Ports.†	Sailing Vessels.	Sailing Vessels.	Steam Vessels.	Steam Vessels.	Sailing Vessels.	Sailing Vessels.	Steam Vessels.	Steam Vessels.
	Ton.	No.	Ton.	No.	Ton.	No.	Ton.	No.	Ton.
1880	457,814	185	9,344	9	2,816	19	526	...	...
1885	501,134	119	8,973	17	3,576	14	286	...	...
1890	642,823	102	8,050	22	4,619	2	20	3	78
1895	756,181	103	7,953	22	4,897	4	33	...	...

\* The excellent "Statistical Abstract," formerly published by the Insular Government, has not been issued since 1896, so that there has been a difficulty in procuring some of the recent statistics.

† The gross tonnage which entered Douglas harbour in 1866 was 108,112. In 1874, after the completion of the Victoria Pier, it was 207,050; in 1879, 296,199; and, in 1881, 406,696. The tonnage of goods landed in the year ending 31st of March, 1899, was 167,691, of which 104,767 tons was at Douglas.

## INSULAR BANKS \* ON 31ST DECEMBER IN EACH YEAR.

	Deposits.†	Advances.	Net Profits.‡	Reserve.	Notes in Circulation.*	Capital Paid Up.	Securities.	Cash in Hand.
	£	£	£	£	£	£	£	£
1882	770,506	488,139	6,462	51,000	59,434	85,526	334,923	146,529
1885	884,586	632,508	7,134	55,900	58,286	91,904	282,189	146,600
1890	1,324,595	844,016	9,960	83,600	54,059	105,000	446,859	289,296
1895	1,942,647	1,088,301	9,752	97,600	51,426	105,000	634,847	328,514
1899§	2,580,173	1,581,855	10,941	103,800	54,639	105,000	935,676	274,253

## THE NUMBER OF COMPANIES AND THEIR CAPITAL REGISTERED IN THE ISLE OF MAN, ALL OF WHICH ARE BELIEVED TO BE CARRYING ON BUSINESS.

	No.	Capital (Paid up).
1892	67	£995,513
1893	71	1,007,120
1894	66	977,513 (approximate)
1895	80	1,086,111
1896	90	1,157,515

\* It should be remembered that the paper currency of the Isle of Man is fully protected by securities, which are usually first mortgages. The practice is to require securities which are worth 10 per cent. more than the issue.

† In 1870, the deposits were £411,000, in 1878, £889,000. The temporary falling off after that year was due to the suspension of the Bank of Mona. The "Manx" Bank was established in 1882.

‡ For half-year.

§ Figures given for "Dumbell's" Bank from June 30th, this Bank having issued no balance sheet on the 31st of December, 1899. Its business has been taken over by "Parr's" Bank. A branch of the "Liverpool Union" Bank was established in Douglas in 1897, and this bank was, in 1900, absorbed in "Lloyd's" Bank.

## APPENDIX B.

## REVENUE.

Year.*	Revenue.†	Net Debt.‡	Year.*	Revenue.†	Net Debt.‡
	£	£		£	£
1867	44,356	...	1884	53,527	177,175
1868	45,235	...	1885	55,514	187,926
1869	43,603	8,513	1886	55,552	187,279
1870	42,944	46,191	1887	53,482	194,889
1871	43,726	46,978	1888	59,352	184,961
1872	42,787	50,545	1889	60,988	178,251
1873	41,679	56,631	1890	62,266	191,718
1874	43,166	69,834	1891	63,825	206,471
1875	42,347	95,773	1892	72,255	202,221
1876	45,807	113,386	1893	72,302	209,560
1877	47,357	111,504	1894	73,429	219,531
1878	47,629	115,572	1895	71,733	205,058
1879	52,557	121,862	1896	72,752	208,576
1880	49,906	140,119	1897	77,287	201,085
1881	52,538	132,558	1898	77,005	193,473
1882	51,058	135,797	1899	78,121	187,754
1883	51,613	163,350	1900	82,485	186,322

## QUANTITIES OF GOODS IMPORTED PAYING DUTY.

*(Chief Articles only.)*

	1867.	1880.	1885.	1890.	1895.	1900.
	Galls.	Galls.	Galls.	Galls.	Galls.	Galls.
British Spirits ...	26,993	47,311	55,609	48,510	54,822	58,445
Rum .....	32,650	26,200	24,400	17,106	15,535	14,057
Geneva .....	2,447	2,400	1,551	3,443	2,615	1,939
Brandy .....	5,839	6,099	5,279	4,844	4,189	4,233
Wine .....	18,498	21,679	20,771	17,026	17,414c	...
	Barrels.	Barrels.	Barrels.	Barrels.	Barrels.	Barrels.
Beer (English) ...	...	5,739	8,516	13,606	11,884	15,019
Beer (Manx) .....	...	...	...	...	...	Malt— 29,173 Bushs. Sugar— 238,628 lbs.
	lbs.	lbs.	lbs.	lbs.	lbs.	
Tea .....	236,358	286,303	326,376	353,230a	...	...
Coffee.....	50,277	45,391	48,813	52,342	36,413§	...
Tobacco .....	76,656	84,756	94,897	105,306b	...	...

(a) The consumption of tea in and after 1891 can only be approximately estimated under the new arrangement. (b) The same applies to tobacco in and after 1892, and (c) to wine in and after 1896.

\* The financial year ends on the 31st of March.

† Gross ordinary revenue.

‡ I.e., the excess of debt over balances. In 1867, the balances exceeded the debt by £13,559, and, in 1868, by £13,266.

§ As, after 1895, owing to the new arrangement (see Appendix C), no

## REVENUE FROM DUTIES ON IMPORTED GOODS.

	1870.	1875.	1880.	1885.	1890.	1895.	1900.
	£	£	£	£	£	£	£
Spirits .....	23,305	26,182	27,448	28,548	31,367	32,729	48,199
Wine .....	1,382	1,415	1,425	1,272	948	935	2,985
Tobacco and Cigars...	9,289	9,022	10,074	11,477	12,674	19,680	18,794
Beer and Malt.....	...	1,080	3,363	3,961	5,231	4,930	...
Tea .....	3,888	4,060	4,399	5,019	5,168	6,671	7,991
Coffee and Chicory ...	...	...	162	173	117	82	...
Allowance on Duty Paid Goods Imported .....	...	...	674	2,800	3,405	383	...
Other Goods.....	...	...	...	...	...	...	262

## APPENDIX C.

## ARRANGEMENT OF CUSTOMS DUTIES BY GOVERNOR WALPOLE.

The most notable was with regard to the tea and tobacco duties. In 1878, there was a loss on English duty-paid goods, chiefly tea and tobacco, of over £2,000 annually. In 1880, after the settlement of the Port Erin question, compensation, in lieu of this, was received from the English Government annually. This, by 1890, had gradually increased to £3,400, when the reduction of the duty on tea in England had led to a largely increased importation of English duty-paid tea to the island, and, consequently, to a heavy loss to the Manx revenue. The governor therefore made an arrangement by which the whole of the duties paid on tea in the Isle of Man were to be paid into the Imperial Exchequer. This being done, an arrangement was made which was based on an average consumption of 6·35 lbs. per head of tea in the Isle of Man and 5 lbs. per head in the United Kingdom.\* In 1892, when the Manx duty on tobacco was levelled up to what it was in the United Kingdom, a similar arrangement was made with it, as it had been found that during the previous ten years the imported duty-paid tobacco had increased 90 per cent., while that which paid duty in the island had increased 20 per cent. only, and, moreover,

account was kept at the Custom House of the quantities of Imperial duty paid spirits, coffee, or chicory entering the island, no return as to the latter two can be made, while the figures relating to spirits show less than the quantity actually consumed in the island.

\* This is annually corrected by the average consumption in the United Kingdom, *i.e.*, if the consumption there should increase the insular revenue receives a proportionate amount and *vice versa*.

there was considerable difficulty in estimating the duty on the former. In this case the consumption of tobacco in the United Kingdom was taken at 1·55 lbs. per head and in the Isle of Man at 2·08 a head.\* The result of these arrangements was a large increase in the revenue.

The negotiation of the loans of 1883 and 1889, by which a number of small loans at comparatively high rates of interest were paid off, also led to a reduction of insular expenditure. The former was for £230,000, at 3½ per cent. for 45 years, which was taken at 96. This costs £4 3s. 1d. per cent. on account of interest and sinking fund, and the latter was for £100,000, at 3 per cent. for 30 years, which was taken at 95. This costs £4 10s. 2d. per cent. for interest and sinking fund. A comparison of the rates for these two loans is a striking proof of the improving credit of the island.

A small gain to the revenue was also obtained by the passage of the "Public Offices Fees Act" † in 1888 by which all fees payable in public offices were to be paid in stamps instead of money, if so ordered by the governor.

## APPENDIX D.

## DUTIES ON IMPORTED GOODS.

	1866.	1882.	1896.	1900.
British spirits per gal.	6s.	8s. 6d.	9s.	10s.
Rum .....	6s.	8s. 6d.	9s.	10s.
Foreign Brandy.....	8s. †	8s. 6d.	9s.	10s.
Geneva .....	8s. †			
Tea per lb. ....	4d.	4d.	4d.	6d.
Coffee per lb.....	4d.	1d.	1d.	1d.
Tobacco, unmanufactured .....	2s. 6d.	3s. 2d. to 3s. 6d. ‡	3s. 2d. to 3s. 6d. ‡	3s. to 3s. 4d. ‡
Wine, below 26 per cent. proof .....	8d.	8d.	Not exceeding 30 per cent., 1s.	1s.
Wine, above 26 per cent. proof .....	1s. 8d.	1s. 8d.	Between 30 p.c. & 42 p.c., 2s. 6d.	2s. 6d.
Sugar.....	3s. §	...	...	...
Corn, per qr.....	1s.	...	...	...
Beer, Imported, per 36 galls.....	...	2s. to 11s. 6d.	2s. 6d. to 11s. 6d.	5s. 6d. ¶
Do. Manx do.	...	1s. 6d. to 10s. 6d.	1s. 6d. to 10s. 6d.	4s. 6d. ¶
For each bushel of malt and 28 lbs. of sugar used in brewing .....	...	1s. 6d.	1s. 6d.	2s.

\* The same arrangement as to average was also made (see note \*, p. 730).

† *Statutes*, vol. vi. pp. 50-4. ‡ According to the amount of moisture.

§ Abolished in 1874.

|| Abolished in 1870.

¶ When the worts before fermentation were of a specific gravity of 1·055 degrees and so on in proportion, adding for increase and deducting for decrease in gravity.



## APPENDIX E.

## LOCAL EXPENDITURE AND DEBT.

<i>Expenditure.</i>						<i>Debts.</i>			
	1880.	1885.	1890.	1895.	1900.	1880.	1885.	1890.	1895.
	£	£	£	£		£	£	£	£
Towns* .....	13,634	18,634	51,255	72,591	...	45,201	43,447	64,934	370,353
Lunatics ...	5,604	7,603	5,325	6,497	6,509	925	2,433	...	...
Highways ...	7,599	6,820†	7,338‡	8,642	8,710	169	3,325	2,580	1,060
Education ..	10,142	12,825	18,632	23,586	...	4,107	9,309	16,180	24,891
Poor Relief	...	...	3,902	4,590	...	...	...	1,643	...
Cattle Diseases Prevention	...	...	...	81	...	...	...	...	...
Total .....	36,979	45,862	66,442	115,967	...	50,402	58,514	116,937	396,304

## RATES LEVIED FOR LOCAL EXPENDITURE.

	1880.	1885.	1890.	1895.
	£	£	£	£
Towns .....	5,552	7,291	18,159	18,590
Lunatics .....	4,384	3,978	3,874	4,535
Highways .....	2,258	2,110	2,166	2,265
Education .....	2,716	3,351	4,280	5,427
Poor Relief .....	...	...	4,561	3,146
Cattle Diseases Prevention	...	...	...	255
Total .....	14,910	16,730	33,040	34,218

\* Including Port Erin and Port St. Mary.

† In 1883 the charge of the roads, lighting, and drainage of Peel and Castletown was transferred from the Highway Board to the Town Commissioners.

‡ The management of Port St. Mary was vested in Commissioners.

|| Debt of School Boards.

## APPENDIX F.

## NONCONFORMIST CHURCHES.\*

	Methodists.			Presbyterians.	Congregationalists.	Baptists.
	Wesleyan.	Primitive.	New Connexion.			
Ministers .....	12	7	2	2	2	2
Local Preachers .....	173	124	7	...	...	...
Members .....	2,849	1,200	118	...	...	...
Sunday School Scholars .....	5,523	...	218	265	390	130
Teachers .....	1,118	...	36	23	...	...
Chapels .....	71	39	2	2	2	1
Sittings .....	14,815	8,300	650	323†	720	350
Average Congregation .....	9,800	5,000	270	...	270	200
Communicants .....	...	...	...	227	...	50

\* Information from Mr. J. E. Douglas.

† Sittings let.



## BOOK VI

### *CONSTITUTIONAL HISTORY*





## CHAPTER I

### THE CIVIL CONSTITUTION

#### § 1. *From 1405-1765*

IN our first Book we have endeavoured to indicate the changes through which the Manx Constitution passed before the fifteenth century. There was, first, the Celtic system, according to which the king consulted his chiefs and then declared his decisions to the whole assembly of the freemen, whose assent thereto seems to have been merely a matter of form. Then came the freer system of the Norsemen, under which a selected body from among the freemen was also consulted, and no judgment was valid without, not only their consent, but that of the whole body of freemen. And, finally, after 1265, came the degradation of the freemen councillors, or *Keys*, into tenants-at-will, who were only summoned when the king, or his officers, desired an opinion on points of law. Beyond this they seem to have had but little share in deciding the questions at issue. Such, then, appears to have been the constitutional position when the Stanleys succeeded to what was practically

despotic power. They were represented by a governor, with a few officials, for administrative purposes. There was, as yet, no legislation in the modern sense, and no written law.\*

Position of the  
Lords of the  
Isle.

Let us first consider the position of the Lords of the Isle.† They obtained their authority by a grant from King Henry IV., in the seventh year of his reign, to Sir John de Stanley, his heirs and assigns, under which they held the Isle of Man by homage and the service of rendering two falcons to the Kings of England at their coronation.‡ They possessed the prerogatives, and, till 1460,§ assumed the title of royalty, the Isle of Man being a fief, separate from the English Kingdom, but dependent on the English Crown.|| The Lords of the Isle were, in

\* "And as to the writeing of laws there was never any written since King Orryes Days, but in the tyme of Michael Blundell [? 1406] that we have knowledge of" (statement of deemsters and others in 1422. *Statutes*, vol. i. p. 11).

† Owing to the meagre information available at the beginning of this period, the account of the constitutional system, which we will endeavour to trace in the following pages, belongs rather to the later than the earlier part of it.

‡ "*Rot. Litt. Pat.* 7 Henry IV." (1406) (*Manx Soc.*, vol. vii. pp. 235-246). This was confirmed by letters patent of 7 James I. (See *Ibid.*, pp. 99-113).

§ *I.e.*, when Thomas II., the first earl, succeeded and took the title of "lord," instead of "king." The seventh earl says that he did not know whether this was "of modesty or policy" (Derby, *Manx Soc.*, vol. iii. p. 6).

|| The question of whether or not the English Parliament had the right to legislate for the Isle of Man was decided in 1523, when it arose on the claim of Ann, widow of Thomas III., second Earl of Derby, for dower in the island. The claim was referred to the English judges, who pronounced against the duchess, deciding that a general Act of Parliament does not

fact, feudatory princes with sovereign powers, and, as such, they established laws, they appointed the principal officers; they had the patronage of the bishopric, and, originally, of all the ecclesiastical benefices. They had the right to summon and adjourn or dismiss the Tynwald Court, Council and Keys, to hold courts, to exercise appellate jurisdiction over all civil causes, to pronounce the sentence of death and to pardon those so sentenced. They were absolute lords of the soil, and immediate landlords of every man's estate, except in the case of a few barons.\* They had the first claim to the services of every stranger coming to the country, the first choice of any imported merchandize, and the right, subject to the consent of Tynwald,† to impose customs and other imposts on imports and exports. All treasures found, all wrecks, waifs and strays, cattle and horses over two years old belonging to felons,‡ and their sheep over one year old, all

Their powers  
and privileges.

extend to the Isle of Man, which is no part of the realm of England, but that if the island is specially named in the Act, it does extend to it. (Coke's *Institutes*, c. 69. For a full discussion of this question see Gell, *Manx Soc.*, vol. xii. pp. 34 and 154-5). Parliament has on a few occasions, apart from the brief period under Elizabeth and James I., when the direct rule of the Crown was resumed, availed itself of this power, by passing laws which affected the island.

\* See pp. 871-2.

† Till the seventeenth century at least they seem to have invariably exercised this right without consulting Tynwald (see pp. 768-9 and after it they occasionally did so).

‡ Their goats were the property of the Queen of Man. The cattle and horses under two years old and the sheep under one year old went to the coroner (*Statutes*, vol. i. p. 25).

Powers of the  
lieutenant,  
captain or  
governor.

porpoises, sturgeons and whales, caught on the coasts of the island were their property, and they had the sole right of sport in the royal forest or waste.\* But the lords were rarely on the island, and therefore had to provide a substitute, who was, till 1639, usually styled either "Lieutenant" or "Captain," and, after that date, "Governor."† He was the lord's representative, and it was ordained that whosoever "offendeth to him" should "be punished as they that offend to the lord."‡ He exercised most of the prerogatives of the lord,§ and his office was not superseded or suspended by the presence of the lord in the island. To guard against any partiality or misgovernment on his part, it was provided that he should be guided by the advice of the Council

\* For full details see *Statutes*, vol. i. pp. 8, 9, 13, 22, 25, 27, 54, 57, 58, 60.

† For list of governors see Supplement. The deputy-governor, when there was one, was styled "Deputy," or "Deputy-Lieutenant." The title "Governor" was first used in 1596, but did not become usual till 1639, after which year it, with occasionally special additional titles (see appointments in 1702, 1713, 1718, and between 1736 and 1793), is almost always used till it ceased with the death of the Duke of Atholl in 1830. Sir James Gell states (see "The Titles and Powers of Governors of the Island," a pamphlet printed in 1885, for full information on this question) that the special titles do not give any powers beyond those of governor, which in itself confers full powers, civil and military. Between 1639 and 1773 a deputy-governor, whether permanently or temporarily appointed, was so styled; but, after 1773, a temporary governor only was so styled, the permanently appointed governor, whether subordinate to another governor, as till 1830, or not, as after that date, being called "Lieutenant-Governor."

‡ *Statutes*, vol. i. p. 5.

§ Among these was that of granting customary estates out of the wastes and demesnes of the island (see ch. vii.)

and the deemsters.\* He had the right of convoking and presiding over the Tynwald Court, as well as of the Legislative and Executive Council, and of summoning the Keys, and it is probable that, during the earlier part of this period at least, he alone could adjourn the sittings of the Keys, as well as those of the Tynwald Court and Council. He also had the right of presiding in all the principal courts of judicature, which could only be held by his warrant. Whenever a vacancy happened in any of the superior offices, the governor nominated a person to fill the place until a successor was appointed by the lord; all inferior offices were entirely at his disposal, and he occasionally appointed a deputy-governor, who, in his absence, was invested with all his powers and privileges.† He had also the command of all the military forces of the island, and, as such, was responsible for the preservation of order.‡ The governor was assisted by the household officers, whose designations and functions are as follows: There was, first, the comptroller, who had the superintendence of the lord's revenues and household. He audited the receipts and disbursements of the receiver and water-bailiff and rendered accounts of them to the lord. In his judicial character he took cognizance of all offences committed within the household and garrisons, and,

The  
comptroller.

\* *Statutes*, vol. i. p. 13.

† "Constitution" (*Manx Soc.*, vol. xxxi. p. 53; and Parr's MS.)

‡ For his oath of office and that of the other chief officers see Appendix A.



The clerk of  
the rolls.

seemingly as a military officer, he had to call the soldiers to muster.\* As clerk of the rolls, which office was, prior to the Revestment, generally united with that of comptroller, he kept the Records,† entered the minutes of the pleas and proceedings in the civil and criminal courts, both of the lord and of the barons, and issued copies thereof, which were to be received as evidence. He also made extracts annually from the Records of the preceding year of the fines due, and delivered them to the coroners, to be levied and paid according to the governor's order. He and the receiver, or receivers, had the management of the lord's household and the victualling of both the households and the garrisons.

The receiver.

The receiver had, with the advice of the governor and other officers, to attend to the repairs of the castles. He also, through the water-bailiff and the coroners and moars, received, and, in the presence of the governor and comptroller, deposited in the treasury chest all the lord's revenues, out of which he paid the salaries and all other disbursements, subject to the check of the comptroller and the audit court.

The water-  
bailiff.

The water-bailiff, or collector,‡ had the charge

\* *Statutes*, vol. i. p. 19. For his duties in connexion with trade see Book II., ch. iv. § 2.

† These Records were "to be enrolled in parchment every year once, and the same so enrolled, to be sent over to the Lord his auditt, and the auditors hand to be putt to the same, and then to be conveyed over again, and laid amongst other of the Records" (*Ibid.*, p. 37).

‡ Called at first the "Customer" (see p. 307).

of collecting whatever accrued to the lord by customs duties, or by any means whatever below full sea-mark. To enable him to do this, he had a deputy in each port. He held a court, called the "Admiralty Court," which had full jurisdiction in all maritime affairs between high-water mark and three leagues from the shore.\*

The remaining household officer was the attorney-general, whose duty was to conduct all suits and prosecutions on behalf of the lord, to guard against any infringement of his rights and prerogatives, and to undertake the causes of widows and orphans. He also advised the governor on all matters of law which were not under his judicial cognizance. For all these officers a table was, till 1730, kept at the castles of Rushen and Peel.† The primary duty, then, of the comptroller, receiver and water-bailiff‡ was to collect and account for the lord's revenue and to manage his property to the best advantage, and, in addition to this, they, or some of them, under the presidency of the governor, with, occasionally, the spiritual officers,§ formed the lord's *Executive Council*. When they acted in this capacity, the

The attorney-general.

\* For his duties in connexion with the fisheries see Book VIII., ch. ii. p. 943; see also Book II., ch. iv. § 2.

† For their allowances see *Statutes*, vol. i. p. 32, and for full particulars concerning them *Ibid.*, pp. 12-19, 37, 75-6, and *Manx Soc.*, vol. xxxi. pp. 35, 41, 44, 54, 55.

‡ It is curious that, prior to the Revestment, the water-bailiff's oath did not contain any words referring expressly to his position as councillor, since he was undoubtedly a member of the executive (see Appendix A).

§ See Book VI., ch. ii. pp. 844-5.

governor had a right to summon as many of them as he thought fit, provided that there were two at least. The spiritual officers, however, and, at first, the deemsters, were seldom summoned, so that the whole executive business of the country was conducted by the governor and the household officers.\*

The deemsters.

The deemsters, whose office has been already referred to, were in quite a different position from the household officers, they being the people's officials, and, as late as 1577, according to Bishop and Governor Meryck, they were elected by the people "from amongst themselves."† They were looked upon as being, with the twenty-four Keys, the repositories of the customs and traditions which constituted the common law,‡ and their opinions upon them were considered as authoritative. They sat as judges in the superior courts, and they also determined "all controversies without writings and expense;" § "for," says Meryck, "every

\* The following order, in 1561, shows that the Council were expected to perform executive duties: "The Captain, Receivers, Cleark of the Rolls, and Water Bayliffe, once in a month at least, to be in the Exchequer, att the Castle of Rushen, in Mann, or so many of them as shall be within the Isle; and there to consult of my Lord his causes and affairs of the said Isle, for the Commonwealth's well Governance, and well keeping of the said Isle and Houses" (*Statutes*, vol. i. p. 37). There are also numerous cases to be found in the *Statutes* where individual members of the Council are expressly named to carry out specific duties.

† Cott. MS. (*Manx Soc.*, vol. iv. pp. 95-6). They also received a commission from the lord.

‡ See p. 747.

§ Cott. MS. (*Manx Soc.*, vol. iv. p. 95).

magistrate takes up a stone\* and, having signed it, gives it over to the plaintiff, by which act he cites before him the defendant and the witnesses.”† They were members of the Council in its judicial and legislative capacities, but not, as a rule, in its executive capacity till the seventeenth century, though there is an instance of their being summoned for executive business in 1561.‡ Tokens that their position was distinct from that of the other officers remain in the facts that their oath on taking office contains no allusion to their duties as members of the Council, § and that, to this day, they sign Acts of Tynwald, &c., in a different part of the sheet for signatures from that in which the rest of the Council sign, and that their assent to each statute is separately stated in the preamble.|| The towns

\* This was called their “token.” According to customary law, “the Deemsters have been antiently accustomed to receive the fee of 2d. from any person that they grant their Token unto for any manner of cause. . . . And in lieu thereof the Deemsters were then to send out a number of people called a (*sic*) Bonnack to receive a certain custom from the Tenants such as they pleased to give in respect of the said fees at hallowtide and thereupon the tenants to receive their tokens gratis for that and if any refused to pay such custom to the Bonnack they were to cut three ropes of his house over the door whereby he might be known to have refused the Deemsters’ custom, and the Bonnack presenting this to the Deemsters respectively with the person’s name, they were not to grant their tokens to such without the fee for the year, which customs now of late [*i.e.*, at the end of the seventeenth century] have been taken up by the Lockman of every parish within the precincts of each Deemster’s liberties” (Parr’s MS.).

† Cott. MS. Translation (*Manx Soc.*, vol. iv. p. 96).

‡ See *Lib. Scacc.*

§ See App. A.

|| Thus: “The Governor, Council, Deemsters, and Keys.”

The captains  
of towns.

were governed by captains, who not only commanded the garrisons, but were also civil governors, exercising executive, and, in small matters, judicial authority. Subordinate to these officials, who were commissioned by the lord, were the coroners, lockmen and moars, who derived their authority from the governor. There is a coroner in every sheading,

The coroner.

who served summonses and other processes, returned juries, and levied fines and executions, as directed by any of the courts or judges. He took inquests of deaths,\* and attended most of the juries and inquests impanelled by direction of the deemsters

The lockman.

or the superior courts. A lockman is appointed for each parish, and acts as deputy or assistant to the coroner.

The moar.

There is also a moar in each parish. This office is obligatory on the proprietors of land, and falls in rotation on each quarterland and on the intacks within each parish. In addition to collecting the lords' rents and alienation fines, these officers were, till 1765, servants of some of the courts, each of

The runner.

them having a deputy, called a runner.† The coroners, lockmen, moars and runners‡ held their offices for one year only.

The deemsters are said to have claimed that no Act of Tynwald is valid unless signed by one of them, but the claim is manifestly an absurd one, because it would give one individual, in a subordinate capacity, the power of veto.

\* This duty has since been undertaken by the high-bailiffs.

† *Statutes*, vol. i. pp. 4, 5, 7, 14, 15, 26, 49-51, for full information about these officers.

‡ They were done away with after 1765.



Having thus stated what the Manx Executive consisted of, let us now describe the Judicature. It was part of the duty of the household officers \* to preserve peace and order among the people by determining differences and punishing outrages and crimes. For these purposes they, or some of them, sat as the governor's assessors, he being the sole judge, forming a court, probably known by the name, which still survives, of "The Staff of Government." † When, however, "greate matters and high points" were "in doubt," ‡ they called in the deemsters, spiritual officers, and Keys, or elders of the land, to assist them with their advice, and the court thus formed was called the Tynwald Court, which, in accordance with ancient custom, met twice in the year. § But, generally speaking, except on such occasions, and in such comparatively trifling matters as came before the deemsters and water-bailiff, the household officers seem to have had a universal jurisdiction. After a time, it became convenient to establish several courts, instead of one only, but these courts were really only different names for the same court acting in different situations and upon different subjects. In its capacity as the superior court of criminal judicature it is called the "Court of General Gaol Delivery." In

The Manx  
Judicature.

The "Staff of  
Government."

The Tynwald  
Court.

The Court of  
General Gaol  
Delivery.

\* Except the attorney-general.

† At a later date it became the appellate court from inferior courts, and exercised jurisdiction similar to that of the superior courts in England in matters of prohibition, *mandamus*, *habeas corpus*, *quo warranto*, &c.

‡ *Statutes*, vol. i. p. 11.

it sat the governor,\* with the household officers, and the deemsters, and, occasionally, the spiritual officers\* and the Keys. After 1601, however, the Keys became regular members of it, and so it was practically the Tynwald Court under another name. The duties of the Keys in this court were "to assist the Deemsters in doubtful points of law, and to pass upon and try the jury of life and death if they be found to degress from their evidence and bring in a erroneous verdict."† They had, in fact, to give authoritative information on any legal question which might arise, and also to animadvert on any default or misconduct of the jury.‡ The proceedings of this court were sometimes by indictments,§ but were more usually commenced by presentments on the verdict of a jury in writing. For making these presentments there were various inquests, some of them being under the direction of the supreme

Its  
proceedings.

\* The governor still sits in it. (For its composition at the present day see pp. 801-2.)

† *Lib. Placit.*, 1601. If the Keys found the jury guilty, the court had "to fine and punish them, and enter a record thereupon to declare them incapable to pass on any jury for ever afterwards."

‡ This power bears some analogy to the proceedings under a writ of attain, and, as we shall see, it was sometimes abused in Man, as in England. See "Constitution" (*Manx Soc.*, vol. xxxi. p. 101). There was also an appeal to them in cases concerning land (Parr's MS., quoting *Lib. Scacc.*, 1621, and *Lib. Placit.*, 1639).

§ Our account of the Insular Civil Courts is an abstract from that in the "Constitution of the Isle of Man" (*Manx Soc.*, vol. xxxi.), which is a copy of the summary made by the Commissioners, in 1791. This summary was founded on the evidence then given before them by the insular legal officers.

courts, or the deemsters, others being impanelled and attended by the coroners only. When felony was suspected, a jury of six was summoned by the coroner.\* This jury was under the direction of the deemster, and returned its verdict to him. If it acquitted the accused, there was an end of the case. If the offence was found to be a misdemeanour,† it presented the offender to suffer such punishment as the governor in Council might adjudge. If it presented him for felony, a further trial before a jury of twelve‡ took place in the presence of the court. The prosecution was conducted by the attorney-general, and, when the jury had considered their verdict, one of the deemsters asked their foreman: “*Vod y fer-carree soie?*” (May the chancel-man sit?) If he answered, “*Cha vod*” (He cannot), the spiritual officers retired, and a verdict of guilty was given; but, if the answer was “*Fod*” (He may), they remained, and a verdict of not guilty was given. In the former event, one of the deemsters pronounced sentence, but it was not carried out till the lord had seen the evidence. This court was held in the gateway of Castle Rushen, twice in the year, in the months of May and October.§

\* They were summoned either upon what was called a hand-suit, a species of bond or recognizance from a prosecutor, or by precept from one of the Deemsters or the Governor.

† As in thefts under the value of 6½d. The jury, as a rule, took care to assess the value of the stolen article under this amount.

‡ To supply this jury 68 men were impanelled by a return by the coroners of four men from each of the seventeen parishes; out of this number the prisoner might select twelve.

§ Before 1580, the proceedings in all the courts were recorded

The Chancery  
Court.

The Courts of Civil Jurisdiction were the Chancery, the Exchequer, the Common Law, and the Manorial or Sheading. The Chancery Court, which was first established, as a distinct court, in 1580,\* had a mixed jurisdiction in both law and equity, though it was more frequently resorted to in the latter than in the former capacity. In it, as in the other courts referred to, the governor presided, assisted by the deemsters and such members of the Council as he thought fit to summon. The questions before it were usually decided without a jury, but, if the governor thought a jury was required, he ordered one to be impanelled which conducted the enquiry out of court and returned its verdict to him. This court sat once every month, except January, May, September and October, and, occasionally, at other times. The Court of Exchequer took cognizance of all disputes and offences relating to the lord's revenue, rights or prerogatives. It also exercised a criminal jurisdiction over misdemeanours and all actions which subjected the offender to the payment of a fine to the lord. Like the Chancery Court, it called in the aid of a jury only in exceptional cases. The Common Law Courts were held in the different sheadings in the months of May and October.† In

The Court of  
Exchequer.

The Common  
Law Courts.

in loose rolls called *Rotuli*. For a description of the different Records see p. 791.

\* This court "is said to have had its origin in the power of granting arrests of the person and effects, which, in civil cases, belonged to the governor alone." "Constitution" (*Manx Soc.*, vol. xxxi. p. 34).

† The form of "fencing" these Courts was as follows:

them were tried all kinds of actions between subject and subject, whether real or personal. They, in fact, correspond with the Court of Common Pleas in England. The trials were by jury, which, in the case of real actions, consisted of six men of the sheading in which the lands in dispute lay, and, in personal actions, of four men belonging to the parish where the defendant lived. The verdicts of these juries were accompanied by an account of the evidence, in writing, which was recorded by the court, and, if the parties thereto acquiesced, an order was given for carrying the verdict into execution. But, if either party felt aggrieved by the verdict, he might, on application to the clerk of the rolls within a limited time, and on entering into a recognizance, traverse it and obtain a new trial of the case by another jury, consisting of 12 in real and of 6 in personal actions, which had to determine the question in accordance with the evidence previously taken. If the second verdict was not satisfactory,

“I doe fence the king of Man and his officers, that noe manner of man do brawle or quarrell, nor mollest the Audience, lying, leaning, or sitting, and to show their accord, and answer when they are called, by lycense of the king of Man and his officers. I doe draw witness to the whole audience that the court is fenced.” This fencing was done by the moar of the parish wherein the court sat. In the words of the Statute: “It is the king of Man his pleasure and his officers to keep court twice in the year, that all men, both rich and poor, deafe and dumbe, halt, lame and blind, to come thither upon horse-back, or on foot, to be drawne thither upon horse or carr, that they may know the king of Man his pleasure and his officers, and the law of his Country” (*Statutes*, vol. i. pp. 52-3).



another traverse was allowed to the Keys, who \* might either affirm, reverse, or alter the verdict before them, and, if they found sufficient reason, might condemn the former jurors to be fined.†

These courts are also said to have taken cognizance of assaults, called "blood-wipes." ‡ When the business of the Common Law Courts was finished, its judges sat as a Manorial court, which was held for the same districts as the Common Law

The Manorial  
Court.

\* Prior to 1690 there seems to have been a still further traverse before it came to the Keys. See note †.

† Various points connected with the judicial position of the Keys will be referred to when we discuss them more particularly. According to Deemster Parr (MS.), "It was antiently accustomed that, when any case was traversed unto the 24 Keys, it should be first tried by six of them, and from 6 to 12, and from 12 to the full body. . . . But now [*circa* 1690] when such matters are moved from a traverse jury, they are brought to the whole body of the 24 Keys immediately, the judgment of whose major part or of all jointly doth ultimate the same." For, he says, they are "the *ultimum refugium* of the common law," excepting only in cases when "the Lord or the Governor grant a re-hearing by special commission or reference."

‡ Correctly "blood-wites," or compensation for blood shed. Deemster Parr's description of the procedure in such cases is as follows: "If any man happen to draw blood in any way or manner upon another man or woman the party so offended is forthwith to repair to the Moar of the Parish and shew him the blood so drawn upon him, which the Moar is, after due summons given the Sunday before the Court day at the Church cross for all persons presented unto him to be and appear at the said Court to answer for themselves, to declare the same unto the Court, whereupon a jury is impannelled who are to call the defenders before them either to clear themselves from the drawing of the blood, or else to stand guilty which if they be found to be, they are amerced, if it be a man 12d. if a woman 6d. to the Lord, besides an accustomed fee to the Coroner of 6d. more, also 6d. to the Moar, and 4d. to the porter

Courts. In the Manorial court there was kept a registry of the names and titles of the lord's tenants, and, upon every change of tenant, whether by death or alienation, the name of the new one was entered and that of the other withdrawn, upon the presentment of a jury, called the Setting Quest,\* which consists of four of the lord's tenants. One of these juries is appointed for each parish.

Another jury connected with the Manorial court was the "Great Enquest," which was composed of twelve men returned by the coroner from each of the six sheadings. These men attended at the courts for the sheadings to which they belong, where one of the deemsters administers the oath to them and delivers the charge specifying their duty, which was to make enquiry if there be any outlaws, if the petty officers executed their duty, if the craftsmen did their work properly, if any cattle were exported without licence, if any take hawks or herons or their Eggs, if any Pedlars or Chapmen are in the country without cause shewn, if any hunt in the Lord's Forest, if any set fire to the ling, gorse, or turf, if any leave their fell ditch or lidgate open, if any take the Lord's wreck, if any harbour a felon, if the Coroners neglect their

The Great  
Enquest.

Its duties.

of the Garison of that part of the Island that such presentments are made. But if the party that is presented for such blood-wipes come and pay the Lord's due upon the Court table, before any jury be sworn, he is to be freed from the said accustomed fees thereby, as is sometimes practised" (MS.).

\* For a full description of the duties of this jury, the Manorial court and its Records, see Book VII.

The Second  
Great Enquest.

duty in casting scabbed horses or mares down the nearest "hough" (or cliff by the sea), if any trespasses are done, and to present or summon the wrong-doers to the court.\* The Great Enquest, subject to the approval of a Second Great Enquest, which was, seemingly, selected in the same way, and was of similar composition, had also by custom the power of deciding disputes concerning ways, water-courses, boundaries,† &c., and this was confirmed by statute in 1737, when an appeal to a "Long," or Grand, Jury of twenty-four was also provided.‡

The "Long"  
Jury.

In 1753, the reference to the second Great Enquest was abolished, and, besides the appeal to the "Long Jury," there was provided a further traverse to the Keys, who were to present the "Long Jury," if they acted partially.§ These Great Enquests were on duty for six months, and returned their verdicts and presentments to the deemsters as often as required, or to the Court of General Gaol Delivery at the end of their term of office.||

\* *Statutes*, vol. i. p. 53.

† In 1665, the Great Enquest had the duty of presenting those who neglected to make up their fences both in winter and summer imposed upon it (*Ibid.*, p. 126).

‡ *Statutes*, vol. i. p. 217.

§ *Ibid.*, pp. 268-9.

|| The following juries also exist in the island: The *Trespass Jury* (*Statutes*, vol. i. pp. 57, 127-8, 134, 177), which was summoned by one of the deemsters out of the parish in which the trespass was committed. They viewed the damages and took evidence, and then handed in their verdict to the deemster in open court. This verdict was traversable to a jury of six, which tried the case under the direction of the deemster. Of the same nature were the *Juries of Enquiry*, which, when anything was lost, endeavoured to discover it and the person who

Similar to the Common Law and Manorial courts were the courts of the baronies of the Bishop, of Rushen Abbey, of Bangor and Sabhal, and of St. Trinian's, but their jurisdiction, except as regards manorial matters, seems to have become obsolete long before the expiration of this period. They were conducted either by their proprietors or their stewards, with the assistance of one of the deemsters and the comptroller and clerk of the rolls, the attorney-general being there to guard the interests of the lord. "These courts seem," say the commissioners of 1791, "to have exercised an authority in their several districts, equal to the whole of that possessed by the Common Law and Sheading Courts" \* in all actions where the defendants lived in the baronies, unless they were also tenants of the Lord of the Isle. They had also their Courts of Criminal Judicature, where all felonies committed by the baronial tenants were tried by a jury of twelve selected from their fellows, in the same way as felonies were tried in the Court of General Gaol Delivery. In the case of the bishop's barony, and, before the Reformation, in that of the Abbot of Rushen, the steward might claim that a tenant

The courts of  
the baronies.

had taken it. *Fodder Juries* (*Statutes*, vol. i. pp. 138, 146, 252, 279) were impanelled by the coroners yearly in each parish to present those who kept more live stock than they had pasturage for in the summer and fodder in the winter, while *Yarding or Servants' Juries* (*ibid.*, pp. 109, 120, 122-3) put vagrant servants to work.

\* "Constitution" (*Manx Soc.*, vol. xxxi. p. 41). The traverses from the Baron's courts were the same as from these courts.

should be tried in the baronial court, even though he had been already indicted and arraigned by the Court of General Gaol Delivery.\*

The Deemsters'  
Courts.

Besides the courts already referred to, there were the two Deemsters' Courts which had a general jurisdiction, one in the southern and the other in the northern district.† They had power to decide all causes summarily, without the intervention of a jury, in accordance with the traditional unwritten laws of the island. In civil cases they possessed a concurrent jurisdiction with the Common Law Courts in all actions where a trial by jury or before a higher authority was not desired by the parties nor ordered by the Governor. The deemsters might also, in the same way, take cognizance of criminal cases in which any specific fine or penalty is directed by statute; further, in both civil and criminal matters where juries were required, but prompt redress was necessary, they could impanel juries, receive their verdicts, and, if the damage or

\* In case of conviction his lands were forfeited to the baron, but his goods and person were at the lord's disposal (Wilson, *Manx Soc.*, vol. xviii. p. 107).

† The jurisdiction of the two deemsters is identical, and they may, in case of necessity, act in each other's districts. Till 1796, the southern district consisted of the parishes of German and Patrick (Glenfaba Sheading), Braddan, Santon, Marown (Middle Sheading), Malew, Rushen and Arbory (Rushen Sheading); and the northern district, of Conchan, Lonan and Maughold (Garff Sheading), Ballaugh, Michael and Jurby (Michael Sheading), and Lezayre, Andreas and Bride (Ayre Sheading). After that date Conchan was added to the southern district and Middle Sheading, Marown being placed in Glenfaba Sheading.



penalty was thereby precisely ascertained, order the payment of the one, or inflict the other. In the event of non-compliance with such order, the disobedient party was either fined by the governor in Council or tried in the Court of General Gaol Delivery.\* In civil cases an appeal lay from the decision of these courts to the governor in Council, provided that it was presented within twenty-one days and accepted by the deemster, and there was a further appeal from them to the lord. The Deemsters' Courts were held on one day in each week, or oftener if required.†

The Court of the Water-Bailiff, who was also styled Admiral, dealt with all causes of action, less than capital, which happened between high-water mark on the one hand and the distance of three leagues from the shore on the other. The water-bailiff had the assistance of a jury of six men.‡ He had also jurisdiction over maritime affairs generally, which were tried before him by a special jury of merchants or seafaring men.

Water bailiff's  
Court.

In all these courts, other than the Court of Chancery,§ civil suits were generally commenced by complaint presented, either by word of mouth

\* The method pursued by the deemsters in taking enquests has already been referred to.

† "The jurisdiction exercised by the deemster," says Sherwood, "is so extensive that it is difficult exactly to define its limits" ("Constitution," *Manx Soc.*, vol. xxxi. p. 42, note 24).

‡ The appeals from this court were the same as from the Deemsters' Courts.

§ For procedure in this court see p. 750.

Procedure for  
summonses,  
decrees,  
judgments,&c.,  
in the courts.

or in writing, to the judge or judges presiding in them. The process for appearance was merely a summons from the judge, which, till nearly the end of this period (1763), when a written warrant was substituted,\* was by a slate or stone inscribed with his initials. If this summons was not attended to, an order was obtained from the governor directing one or more soldiers to bring the defendant before the court. Decrees and judgments were, at one time, given orally, at another, put into writing. The execution of them was committed to the moars by the Court of Common Law, to the coroners by the other superior courts, and to the serjeants by the Manorial courts. In criminal cases, offenders were arrested by the coroners and handed over to the gaolers, either by their own authority or by warrant from the governor, one of the deemsters, or some other civil officer.† With regard to appeals, we have seen that in all suits, whether criminal or civil, they might be made to the lord, but there was an ultimate appeal to the King in Council, though this was rarely made use of.

The House of Keys exercised judicial functions as the court of appeal from the verdicts of juries in civil cases. They were, in this respect, described

\* *Statutes*, vol. i. pp. 295-6.

† According to the commissioners (of 1791) many of the civil officers, as well as the governor and deemsters, might "commit upon suspicion, in such cases at least as amounted to a breach of the peace."

as the *ultimum refugium* \* in the island with respect to jury findings, but there was an appeal to the lord. Under an Act of Tynwald, passed in 1737, issues as to fraud or deceit in titles to land were triable before a Committee of the House.

We now come to the government of the island in its legislative capacity. There are but few instances of any *new* laws † being made before the beginning of the seventeenth century, the deemsters and elders of the land being, as a rule, summoned to Tynwald merely to give advice to the governor and officers in judicial questions and to interpret old laws. When fulfilling these functions they formed part of the court thus assembled, which was called the Tynwald Court, and it was, therefore, only natural that the same court should frame new laws when they became necessary, and that it should become the supreme legislative as well as the supreme judicial body. From the beginning of the seventeenth century the legislative authority was, except on a few occasions when the lord issued ordinances on his own account, vested in the governor and Council and twenty-four Keys, sitting as the Tynwald Court, as well as the lord. Until the passage of

Legislative  
government.

Vested in the  
lord, the  
governor and  
Council, and  
the Keys.

\* See note †, p. 752. A comparison of pp. 800-3 in the second part of this chapter and of Appendix D, where an account of the present Manx judicial system is given, will enable our readers to discover what is obsolete and what is still in existence as regards the courts and their pleadings which we have just described.

† An instance of a new law is the abolition of prowess in 1429, and there are also some illegal ordinances passed without the consent of the Keys which had the effect of new laws.

Procedure of  
the Tynwald  
Court.

the Act of Settlement in 1704, it seems to have been usually the practice of this court to discuss the Bills before it as one body, though, doubtless, they could only be passed by a majority of votes in its two branches (*i.e.*, the Council and Keys) voting separately. After 1704, Bills were dealt with in the following manner: If a Bill originated in the Council, it was first debated there and then sent on to the Keys, who could either reject it altogether or amend it. In the latter case the two branches met and settled the proposed amendments. If the Bill originated in the Keys and was approved by a majority of the members, it was sent to the Council, whose powers with regard to it were the same as those of the Keys. When the Bill was thus passed, the Keys were summoned to the Council Chamber to sign it, thirteen of their signatures being required to render it valid. It was then sent to the lord, who could either reject or give a general or qualified assent to it. Finally it was promulgated in full, both in the Manx and English languages, from Tynwald Hill, and then, after being signed by the members of the Council and Keys\* who were present, it became law.†

Let us now trace the development of the Legislative Council and of the Keys separately:—

*The Council.*

The designation *Council* has existed from the

\* The signatures of thirteen members of the Keys was necessary here also.

† The position of the Tynwald Court as regards customs duties is discussed under the heading of "Keys," since it affected them more particularly.

earliest period of which there is any record. Thus, in 1422, we have "Lord's Council" and "King's Council," though not infrequently, as late as 1757, the Council are, in statutes and other records, described as "the officers," and sometimes "Principal Officers," "Chief Officers," "the Officers Spiritual and Temporal," "the Lord's Officers of his Council," "Officers of the Lord's Council," &c.\*

Up to the year 1582, when it passed certain ordinances, without the concurrence of the Keys, the Council † appears in the Statute Book as an executive, not as a legislative body; and that it did not at that time exercise legislative functions is also clear from the statement of Governor and Bishop Meryck in 1580, that "whatever is agreed upon by the Lord of the Island, the two Deemsters and the Keys obtained the force of law.‡ It is in 1609 that we find the Council, for the first time, associated with the Keys in legislation, and this was usually the case after that date, though it, in 1692, again acted arbitrarily in revising the customs duties without consulting the Keys. This was, as we shall see, resented by the Keys, and, as a result of their protests, we find that, by 1737, the position of the

*The Legislative Council.*

\* The governor and Council are frequently, as one body, designated *the Council*, and in one sense, according to ancient usage, the designation is accurate. In another sense the officers other than the governor, are *the Governor's Council*. Thus, for instance, in 1422, "my Lieutenant, his Council." For various designations of the governor's Council see *Statutes*, vol. i. In discussing it in its executive capacity we have already given the names of its members.

† *Statutes*, vol. i. p. 56.

‡ *Lib. Scacc.*



Council as a distinct part of the legislature, having co-ordinate authority with the Keys, was fully settled. The selection of the officers who were to sit in it, except the deemsters, who were invariably members of it, appears formerly to have been left to the caprice of the governor, who chose those, and those only,\* whom he might wish to consult on any particular subject or subjects. A body thus constituted is better calculated to strengthen the hands of the governor than to be any check upon his actions. As regards its rights and privileges, even its official † members cannot be required by the governor to vote with him, but it has no power to fix its own meetings, being summoned by the governor who presides over it, and his assent is practically necessary to all resolutions passed by it.‡ Its official members were deemed an essential part of it, but the unofficial members § seem not to have been, though, unlike those of the Executive Council, all its members claim a right to sit, whether summoned or not.||

\* The ecclesiastical officers only very occasionally sat in it.

† The comptroller, clerk of the rolls, receiver, attorney-general, water-bailiff, and deemsters.

‡ This is the rule of the present day, and, no doubt, in the past also. "I say 'practically,'" writes Sir James Gell, "for during the progress of a Bill in 'Committee,' he does not expressly declare his assent or dissent on every question which is put to the vote" (Letter to the writer).

§ *I.e.*, Before the Revestment. The whole question is obscure. See p. 815 for the temporary exclusion of the ecclesiastical members of the Council.

|| The *dual* existence of the Council should be fully recognized, their duty to advise the governor, being quite distinct from their duty as a branch of the Legislature.

The quorum necessary to constitute a meeting is the governor and two councillors.

At the beginning of this period, the Keys, as a *The Keys*. rule, only exercised purely judicial functions, and their office, in accordance with the statement of the deemsters to Sir John Stanley, was not "in certainty,"\* and could not exist without the lord's will. But there were tokens that they were acquiring a more stable position. Thus, in 1418, if any of them committed a capital crime, he was not tried in the ordinary way, but by a jury of the rest of the 24;† and further evidence of development may be seen in the title of the second court held in 1422, *i.e.*, a "Court of all the Tennants and Commons of Man," and in the fact that the laws declared by it were confirmed by the "best of the Commons"‡ In 1430, an important advance was made in the establishment of a representative body, duly elected by the people.§ This took place at a "Court of all the Commons of Mann, holden at the Castle of Rushen betwixt the gates," when "6 men

\* *Statutes*, vol. i. p. 11.

† *Rotul.*

‡ *Statutes*, vol. i. pp. 20-1.

§ In England, between the death of Richard II. and the accession of Henry VII., there was a period during which Parliament had more authority than either before it or for more than two hundred years after it. On the other hand, it is possible that the degradation of the Keys may have been consummated at the accession of the Stanleys, and that the statement of the deemsters, perhaps under coercion, that they were "not in certainty" and could not exist "without the lord's will" had caused the riot which took place at the first Tynwald Court held in 1422. For it will be observed (*see* p. 764) that Sacheverell speaks of the "ancient legislative power."

of every Shedding of Mann were chosen by the whole Commons of Mann." \* Out of this body of 36 representatives, 24 were chosen to act as an enquest, and were sworn in accordingly. On this proceeding Sacheverell, who was governor of the island at the end of the seventeenth century, comments as follows: "Sir John Stanley, being duly informed of the general neglect of his affairs, and the disorder caused by his own absence, sent over Henry Byron, his lieutenant, a man of great prudence and severity. . . . Whether he [Byron] had observed some discontents in the manner of electing their representatives, or whether he thought it for the real honour and interest of his master to have the ancient legislative power restored, he calls another assembly the year following, 1430, and ordered six men out of every sheading or hundred, to be chosen by the whole body of the Commons, out of whom he elected four . . . and by their entreaty all former laws were confirmed." †

"This," he continues, "was the last finishing stroke of the settlement of this little state," by which he prays, the people are to be governed, "under the honourable House of Derby." ‡ It is, however, doubtful whether the practical advantages which resulted from this change were so great as Sacheverell supposed. For it appears from the history of the next 150 years, that the representatives of the

\* *Statutes*, vol. i. p. 23.

† *Manx Soc.*, vol. i. pp. 75-6.

‡ *Ibid.*, pp. 76-7.

people were very seldom called together, and that when called it was invariably for the settlement of judicial questions. From the instances, too, which will be given below, it will be seen that, though the word "chosen" is used of "the 24," it is never again stated by whom they were chosen, which lends a colour to the assumption of several who have written upon the Manx history of this period, that the lords or their governors had again taken the right of naming the Keys upon themselves. In 1499,\* "24 of the land" † were sworn, and, in conjunction with the deemsters, gave the law on various points; and, at a Court of General Gaol Delivery, held in 1502, "it was appointed that 24 of the country should be chosen, and they to choose them four merchants, who should be sworn to deal indifferently among the country people, and to agree on their behalf with the merchant stranger." ‡ These 24 consisted of four out of every sheading. At an enquest taken at Castle Rushen in 1504, we find the same 24 present.§ At a similar court, in 1516, held to try a case of manslaughter, the two deemsters asked the "Capten in Court" to have "24 of the most aged and wisest in the land, according to the Lord's statutes, sworn to them that by their advice they might answer in this case." † The "Capten" consented, and four men from each sheading were sworn. In 1532, an inden-

\* Date wrongly given in Statute Book as 1419.

† *Statutes*, vol. i. p. 6.

‡ *Lib. Scacc.*

§ *Statutes*, vol. i. p. 25.

ture was entered into between the bishop and clergy on the one part, and two men of each sheading on the other; and, on this occasion, there is no mention of the 24, the 12 \* seeming to represent the whole country. In 1570, on account of a complaint from the people “to the Capten of Mann and other the Lord’s Head officers and two Deemsters that the fforesters did clip sheep unlawfully within the ffells,” the captain “demanded the law of the Deemsters,” who “requested to have the advice of the 24 ancientest men in the Isle, which the Capten and other officers granted them.” † In 1580, the governor and Council, the deemsters, the bishop and clergy, and 24 Keys, there being one or more from “every parish in the Isle,” were summoned, by virtue of a commission from the Earl of Derby, not only to try a criminal but to pass a law, the nature of which is not recorded. Against this the bishop, ‡ archdeacon, § “W. Christian,” || and the Keys protested, saying that, if they were called together “for the establishing of a new law, the country ought to give their consent for the choosing of the 24.” † The commission was thereupon “stayd by consent of the Court till my Lord’s pleasure be known.” † It is not recorded what the earl did in this matter, but, from the following quotation from the Chancery book in 1581, it seems probable that he gave way to the popular demand: “But now the 24 Keys are

Important  
decision about  
the election of  
the Keys.

\* *I.e.*, two from each sheading.

† *Lib. Scacc.*

‡ Meryek. He was also governor.

§ Hugh Holland.

|| Perhaps one of the deemsters.



called the representatives of the country because, when any new law is made, they doe represent the Body of the country and were by the ancient Constitution chosen by the Country out of the Sheadings of this Isle, and noe Law is binding on the people (one part of the Legislative power being in them) without their consents." \* Thus a clear distinction was made between the Keys as a judicial body, when they might be selected by the governor, and as a legislative body when they had to be elected by the people.† The real explanation of what had occurred is probably that, since no new laws are recorded as having been passed between 1429 and 1580, and since, therefore, the Keys had only been summoned to act as a jury, or to declare the customary law, the people, regarding these functions as being of secondary importance, had, at first, allowed the old right of election, which, in 1430, was in operation on an occasion when the Keys were summoned as an enquest only, to lapse, and, finally, had forgotten that it had ever existed, except when the Keys were to act as legislators. However this may

\* Parr MS. quoting from *Lib. Cancell.*, 1581. The portion in brackets is Parr's interpolation. It is remarkable that the leader in this agitation, Governor-Bishop Meryck, should have been the lord's nominee. He writes in his account as follows: "In former times the voice of the whole people was necessary to the making of a new law; but now this custom is abrogated, and whatever is agreed upon by the Lord of the Island, the Governor, the two Deemsters, and the twenty-four Keys, obtains the force of a law" (*Manx Soc.*, vol. xviii. p. 22). (Published by Camden in the first edition of the *Britannia*.)

† See p. 768.

have been, we find that many years were to elapse before the people were again permitted to exercise their right of election. In the meantime the Keys were "chosen by the Lord himself out of the natives," \* and, notwithstanding Meryck's statement, that, although they "hold their offices but *durante bene placito*, yet are they seldom turned out during their lives," \* they were assembled in 1585 "to enact and give for law in this present cause only ;" † and, at the same time, one of them being "sick," and another in England, two were put in their place, which looks very much as if their real status was still that of a jury which could not proceed with its business till the whole number was filled up. But, by 1601, they had attained a more assured position, or, at least, one of greater dignity ; for, in that year, in consequence of an individual having declared that the Keys "never did good to the Isle," † a law was passed which enacted that those who slandered the Keys should suffer the punishment of a fine, besides having their ears cut off. † In 1605, they were exempted "from all common services and duties of the country," † and from serving on common juries, except by express command of the governor. More important still was their seemingly improved position as regards the control of the customs duties. In 1577, these seem to have been imposed by the authority of the governor and officers without the Keys, and "allowed and con-

By the 17th century their position had become more assured.

\* *Manx Soc.*, vol. xviii. p. 28.

† *Statutes*, vol. i. pp. 69-70.

‡ *Lib. Scacc.*

firmed" \* by the lord. But, in 1608, it was declared by the Keys and four men from each parish that the earl "with the consent of the 24 Keys, the representatives of the Comons there, have alwaies and may raise or diminish these impositions at their pleasure." † This statement, which does not seem to have been contradicted, is, considering the then practice in England, ‡ a very remarkable one. Their tenure of office, however, still continued uncertain, for, in 1610, Bishop Phillips complained that the governor, John Ireland, had placed and displaced the Keys at his pleasure. As regards the "displacing" of the Keys, the power of doing so was exercised by the lords and their governors as late as 1731. § As regards the "placing" of them, however, the reply of the Council and Keys to the bishop's allegations would seem to show that the mode of election was more liberal than that mentioned by Meryck. For they declared that the governor had "used no other course and manner in choseing of the 24 Keys than as ever in former times to our remembrance hath been accustomed, which is with the consent of all

\* *Statutes*, vol. i. p. 37.

† This was in reply to the following question, asked by the Commission of which Richard Hoper was chairman: "Whether it is understood . . . that the Earle of Derby hath a power to lay new customes" (*Knowsley Muniments*, <sup>1716</sup>/<sub>1</sub>).

‡ In 1606, King James obtained a decision (in the case of Bates) to the effect that he could raise or vary existing taxes by his prerogative alone, and even the "Petition of Right" in 1628 does not seem to have touched the king's right to levy customs duties. § *Lib. Scacc.*, 1610, 1611, 1620, 1627.

the officers and the rest of the 24 Keys.”\* And, moreover, it is clear, from the reappearance of the same names among the Keys in the Statute Book at different dates and from the way in which they were mentioned in the preambles of the Acts,† that, at the beginning of the seventeenth century,‡ they had become a usual, though not an invariable, part of the legislative authority, and that they had begun to take their place as such. This process, however, received a check under the autocratic seventh earl, who seems to have been determined to prevent the exercise of legislative powers by the Keys from becoming a matter of right, since he continued to obtrude his commands upon the people, consulting sometimes the Council, sometimes the Keys, and, at other times, the Keys, together with four men from each parish.‡ Thus,

But it receives  
a check from  
the seventh  
earl.

\* Hence probably originated the claim of the Keys to elect their own members, first exercised in 1659 (see pp. 773-4; also statement of Chaloner, p. 772). For a full account of the “articles objected by John, now Bishop of the Isle, against John Ireland, Livetennant and Captain,” see Episcopal Records. (They are partially published in the Introduction to Phillip’s Prayer-book, *Manx Soc.*, vol. xxxii. pp. x-xv.)

† In 1609, an assembly was held “of the Lieutenant and other the Officers, with the 24 called the Keyes of the Land” (*Statutes*, vol. i. p. 70); and, in 1628, laws were “ordered and enacted with generall consent of the Captain, Deemsters, officers and 24 keyes of the isle” (*Ibid.*, p. 81).

‡ Earl James himself wrote: “There are four-and-twenty called Keys, who, in all great matters concerning the country, are advised withal. Sometimes there be four of every parish joined with them, by order of the Lord, when any great matter concerning the land is in hand” (Derby, *Manx Soc.*, vol. iii. p. 7).

in 1643, the Keys shared the humble office of endorsing the earl's "order, doome and decree," \* with "four men of every Parish," who acted "in the name of themselves and of the whole Commons of the Isle, by whom they were chosen for that purpose." \* Here the principle of popular election was recognized, though it must be observed that it did not apply to the Keys, but to the four men from each parish.† Indeed it seems clear that any great constitutional question required the presence of these elected members to give advice, though they had "no power to settle or enact anything," ‡ as well as of the Keys. The four from the parishes appear for the last time in 1643,§ when 12 of the Keys and 12 selected from the four men of the parishes were chosen as "a select Jury and Grand Inquest . . . to find out and present all such wrongs and abuses as have been committed or acted against his Lordship's Prerogative, the Lawes of the Island, or the good of the Comonaltie." § On questions

\* *Statutes*, vol. i. p. 92.

† They were merely advisers chosen for a special purpose.

‡ The idea of summoning them survived this period, for, in 1667, when the revision of the spiritual laws took place, Lord Derby ordered that as these laws "have relation to the Liberty and Property of my people . . . four judicious men should be chosen by the people out of each parish . . . to give their best advice and assistance and to join with the Legislative power." He, however, revoked this order before it could be put into execution, because, as the four from each parish had "no power to settle or enact anything," they would "only make more confusion" (Knowsley Muniments, <sup>1715</sup>/<sub>21</sub>).

§ *Statutes*, vol. i. pp. 92-3.



Their right to share in fixing the customs duties recognized.

Statements of 17th century writers about the Keys.

relating to customs duties, however, the Keys only, not the four men from each parish, seem to have been consulted, and their right, as a component part of the Tynwald Court, to have a share in fixing them was distinctly recognized,\* both in 1637 and 1645. At the time of Earl James's death, in 1651, the position of the Keys was, on the whole, less secure than in 1627, but, during the time of Lord Fairfax, it became more assured. Let us see what contemporary writers have to say about it at this period. One of them, Chaloner, states that their assistance was only called for by the governor and officers "in cases of doubt and considerations . . . about the ordering of the affairs of the country, for the defence and safety thereof; and propositions of good and wholesome Lawes and Orders, for the Peace and Welfare of the People, in matters of Right betwixt the Lord and the People, and betwixt party and party"; † while the other, Blundell, speaks of them as "the Representative body of the whole Island" ‡ and declares that "their assent is soe necessary as that without them no new law can be made nor any custome be introduced or altered." He also states that they were "elected and chosen by the lord himselfe out of the natives of the Isle," † and that, though they only continued *durante bene placito*, yet they usually held their office for life;

\* Gell (*Manx Soc.*, vol. xii. pp. 190-1).

† Chaloner (*Manx Soc.*, vol. x. p. 29).

‡ Blundell (*Ibid.*, vol. xxvii. pp. 76-7). Since 1645 they were usually designated "the Representative Body" in the Acts passed.

and, further, that it was "required also that they should bee landed men, such as our freeholders in England, having 40 or 50 or more pounds of their owne." \*

Of the two accounts, that of Chaloner is probably the more accurate. It was during his governorship that the following judgment, on which the Keys afterwards founded their claim to nominate their own members,† subject to the approval of the lord or governor, was given by the deemsters: "When any of the 24 Keys dye, or are removed, the rest of the number shall recommend some fit persons to supply their places, and shall give their names either to the Lord or Governor;" ‡ and, consequently,

Foundation of  
the Keys' claim  
to elect their  
own members.

\* Blundell (*Manx Soc.*, vol. xxvii. p. 77). He also speaks of them as "adjuvants to ye deemsters . . . in cases of judicature," and as being "impanelled upon juries" (*Ibid.*, p. 76).

† In the course of the dispute between the officers and Keys during the period 1715–1736 the former referred to this change as follows: "And the said Earl's noble ancestors and his family, being reduced, by . . . loyalty and adherence to the Crown, to great difficulties and distress in the time of the said rebellion, the said Keys, taking advantage thereof, first began to assume the title of representatives of the people, but have always, notwithstanding, from time to time ever since been called together and dismissed, placed and displaced, by the Lord of the Isle or his Lieutenant, as they saw cause. And none of the said Keys have since the said rebellion been chosen by the inhabitants, but have been chosen or appointed by one another, without any power or foundation of law . . . And, therefore. . . it is impossible the said 24 Keys should be the representatives of the people, and that it is an absurdity to call themselves so, neither have they, till the time of the said rebellion, ever presumed to look upon themselves as afforesaid" (*Ecclesiastical Records*).

‡ *Lib. Scacc.*

in the same year (1659) the governor ordered that :  
 “Whereas there are three of the 24 Keys awanting to make up the full body, and forasmuch as the rest of the 24 Keys did nominate and recommend in Court . . . the said three . . . I have in the Lord’s behalf according to the Statute (1422) accepted of the said three persons and do give my approbation thereto.” \* But, with the Restoration, despotism resumed its sway, since we find that, in 1662, seven of the Keys were “removed by the Lord’s order in that behalf,† and others admitted and sworn in their places,” because they were considered to be favourable to William Christian (*Illiam Dhone*), then on his trial. In 1668, Charles, Earl of Derby, because a majority of the Keys did not agree with his views about the tenure of the land ‡ and had endeavoured “to establish a right to their ffarmes,” \* referred to their behaviour as “unquiet and factious,” and ordered that, unless they conformed, they “shall be put out of all places of office and command in the Island.” \* The recalcitrants, thirteen in number, consequently submitted to the earl’s terms.

In 1669, a question with regard to customs was referred to them, in conjunction with the deemsters,§ but, in 1677, “the Book of Rates of the year 1648 ” || was “revised, rectified, and enlarged ” ¶

\* *Lib. Scacc.*

† See pp. 378–9.

‡ See p. 885.

§ *Statutes*, vol. i. p. 39.

|| This book has not been preserved.

¶ Knowsley Muniments, <sup>1715</sup><sub>18</sub>.

After 1660 the position of the Keys again degraded.

by the governor and officers and ratified by Lord Derby, without the Keys being consulted, and the same course was taken in 1692.\*

Notwithstanding all this, however, they seem, by the end of the century, to have recovered some of their lost ground, seeing that they were then referred to as "the representatives of the country," † who, "in conjunction with the Governor and officers, make the legislative power of the nation," † and we are told that "no new law can be made, or custom introduced or abolished" without their consent and that of the Deemsters.‡ Some reflex, perhaps, of the Revolution of 1688 had reached Man. In 1697, the Keys protested against the "arbitrary actions of the governor and officers" in a petition to Lord Derby, in which they set forth a number of other grievances, the chief of which were the prohibition of the exportation of goods without their consent, the seizure of estates for the nonpayment of rent, the charging the people with the cost of re-stocking and repairing their firearms, and the charging the Keys with duties and services from which they were exempted by the customary law, the order compelling the inhabitants to erect chimneys, and the heavy fines for non-compliance with it, and,

But it improved by the end of the century.

They complain of arbitrary actions.

\* *Statutes*, vol. i. p. 225.

† Sacheverell (*Manx Soc.*, vol. i. p. 73). He also speaks of them as "the Grand Inquest of the nation" and "the last traverse in all cases of common law, being present at all trials for life" (*Ibid.*).

‡ Bishop Gibson in Camden's *Britannia* (*Manx Soc.*, vol. xviii. p. 28).

Lord Derby's  
reply and the  
result.

finally, the refusal of the officers to place these complaints on record and their committal of two of their number to prison for insisting that this should be done.\* In reply to this petition, Lord Derby ordered that the question of the prohibition of exportation should be considered by the Keys and Council together, and that the Keys were to "inquire into and examine the irregularitys committed by any of the officers against the laws and customs of the Isle."† He, at the same time, promised that, when he came to the island, he would examine and redress the question of the Book of Rates, if he saw cause. It may be imagined with what joy the Keys took up the Commission granted to them. They promptly presented a report amplifying their former statement of grievances. Nothing, however, seems to have been done to remedy these grievances. Probably the land question stood in the way. When it was settled in 1704, the Keys at once presented a petition to Earl William's successor, Earl James, to the effect that "it may be enacted as a Law, that no orders of public concern touching either the Government of the Island or the punishing and fining of your people which are not warranted by the Laws already made, or to be made, may be of any force, or be put in execution, but be declared void and of no effect, till the same receive the concurrence and allowance of your people's representatives, the 24 Keys; that so

A further  
petition.

\* Knowsley Muniments,  $\frac{1719}{8}$ .

† *Ibid.*,  $\frac{1719}{57}$ .



all umbrage of arbitrary Government may be removed, and your people have knowledge of the rule of their obedience,"\* and they asked him to order "that no Officer or Officers . . . shall hereafter award, impose, or inflict any paine, penalty, fine or imprisonment, or other corporall punishment upon any of the inhabitants . . . untill such offender be thereof convicted by the verdict of six lawful men returned by the Coroner of the Sheading where such offence was committed, and then such only as by the known Laws and Customes of the said Isle are already or shall hereafter by Act of Tynwald be ordained or ascertained."†

They again referred to the customs question, stating that the arbitrary method of fixing the duties would "inevitably and too apparently ruin the Island,"\* and asking that they should, in future, be settled with the "concurrence and assent" of the 24 Keys, as well as of the Council. "This," they pleaded, "is agreeable to the constitution of all well governed commonwealths, and will secure your people and their possessions from any arbitrary government and oppression."\* They quoted instances when "the advice of the 24 Keys was required and obtained as necessary and lawfull"; and summed up the petition by asking "that all orders, precepts, and comands contrary to or not warranted by the known laws . . . before be ever hereafter

\* *Lib. Scacc.*

† They also asked that any officer who had acted as stated should be dismissed from his office.

adjudged holden and taken to be void and of none effect," \* concluding with the following words: "Great and Good Lord, these are at present the chiefest matters we have under consideration to make our settlement lasting and happy. . . . We do not seek to diminish your Lordship's customs, encroach on your prerogative, or disrespect the orders of the civil power; but to prevent the ill consequences of arbitrary government." \* How this petition was received by the lord does not appear; all we know is that it led to no result, except that the right of the Keys to take part in legislation concerning the customs was recognized by the Acts of 1711 and 1714.†

Its only result.

On all the other questions in dispute the struggle between the Keys and the governor and officers continued. In 1715, the Keys having objected to being treated like an ordinary jury, the governor (Horne) addressed them an imperious letter ‡ in which he required them to give a verdict in *writing* on the acquittal of a felon by the grand jury and threatened that, if they did not do so, he would imprison them. The Keys declined and "returned their opinion *viva voce* accordingly as they had ever in such cases done." § Finally, however, they,

Dispute  
between the  
governor and  
Keys in 1715.

\* *Lib. Scacc.*

† Though, till 1737, it was practically ignored (see *Statutes*, vol. i. pp. 187-9 and 196-7).

‡ Appendix B.

§ *Lib. Scacc.* (Petition to earl, in 1719.) The governor produced precedents showing that, if the Keys found the Jury *not* to have proceeded according to evidence, their verdict was given in writing, but, when the Keys and Jury agreed, the verdict was always *viva voce*.

“upon hopes and assurances given them by the Bishop and Deempster that the same would not again be required in such cases,”\* gave way and delivered a written verdict. But, as the form in which they had done so did not please the governor, he imprisoned them in Castle Rushen, a proceeding “which was never known before,”\* and fined them 20 shillings each. They, at first, refused to pay this fine,† but ultimately did so under protest. Such collisions were not calculated to diminish the state of tension between the governor and the Keys, and it was aggravated, as we have seen, by the difference in their views on ecclesiastical matters.‡

In 1719, “John Stevenson, one of the 24 Keys, . . . in behalf of himself, the rest of his brethren, and the people,”\* brought a petition to Knowsley to the earl, with whom, at the time, were several members of his Manx Council. In this petition they reminded him that he had not fulfilled his promise, which he had made in 1704, that the people should have laws to secure their “Libertys and Propertys”; “they renewed the complaint against the officers for illegal punishments by “fines and imprisonments,”\* especially of “the Keys and common Jurys after being agreed, and have delivered their Judgments and verdicts;”\* and the officers were also accused of taking excessive fees and of extorting from the people “more money for the custome of goods imported and exported than by the Antient Book

\* *Lib. Scacc.*

† It was remitted in 1719.

‡ See pp. 492-503.

of Rates or any Law since are due and payable." \*

Stevenson suggested that the earl, with his assistance and that of the members of his Council then at Knowsley, might frame laws for redressing the people's grievance and have them confirmed by Act of Tynwald, and he concluded with a threat that, if their requests were not granted, the Keys would "seek such relieve . . . either before his Majesty in Councill, or in the Parliament as they shall be advised." \* The earl declined to make any immediate reply to this petition, but he afterwards caused a letter † to be written, in which he ordered the governor, Council, officers, deemsters, and 24 Keys to meet and consider the questions referred to in it. In this letter he admitted that, as regards some of them at least, he saw "just cause of complaint"; he consented to the book of rates remaining as in 1692, and he stated that "if at any time hereafter there shall be occasion to revise, or make any further additions or alterations" in this book it should "be done by the consent and agreement of the Governor, Council, officers, Deemsters, and 24 Keys," \* he reserving his "prerogative of confirming and allowing or disallowing the same." He also ordained that the markets should be free to every one "to buy all manner of goods without any lett, stopp or molestation." \* But none of these

The earl promises concessions, but they were not granted.

\* *Lib. Scacc.*

† From a comparison of handwriting this seems to have been written by Daniel McYlrea, Junior, attorney-general.

promises were kept. In consequence of the earl's order the Tynwald Court met at Castle Rushen, when the governor made certain proposals which the Keys declined to consider "unless severall other proposalls drawn up by themselves were at the same time taken into consideration and passed into Lawes,"\* but this the governor and Council refused to do. In December, however, there was another meeting, when the following proposals, among others, were agreed to: (1) "All orders, precepts or comands contrary to, or not warranted by the known laws and customs of the Isle . . . to be illegal and of none effect." (2) "For the better preventing of all injustice . . . if any of the officers, Deemsters, or 24 Keys . . . shall at any time take or receive . . . a bribe or corruption to hinder or delay justice," they are to be fined and "to be for ever thereafter disabled and uncapable to have or hold any office whatsoever."† But, though the Council had agreed to these reforms, they refused, for some unknown reason, to sign the Bill ‡ embodying them. The quarrel between the governor and Council, on one side, and the Keys, on the other, consequently became more bitter than ever.

And the meetings of the Keys with the Council produce no effect.

It would appear that John Stevenson, acting in accordance with the instructions of the rest of the Keys, had again written to the earl "to acquaint him with several matters of high importance." ‡ We are not informed what these were, but they

\* *Lib. Scacc.* | This Bill may be seen in the Rolls Office.

† *Lib. Scacc.*, or Keble, p. 595.



probably related to arbitrary acts on the part of the governor and Council. In consequence of this letter, Stevenson was "called to a public account and tried as a criminal," presumably by the governor and Council only, since the majority of the Keys tried him on their own account and "publicly acquitted him." \* So the question seems to have rested till the spring of 1723, when the Keys discovered that the governor and Council had "taken upon them, after a private and unheard-of manner, to arraign and censure not only the said gentleman (Stevenson) but us, the legal judges, who acquitted him." \* In the interval between 1720 and 1723 differences on ecclesiastical questions had increased the feeling of the bitterness between the contending parties, and so the Keys, despairing of any redress from the earl, drew up "a Summary of Grievances . . . in Church and State," which they empowered a committee † to lay before "his Majesty in Council or elsewhere, as they shall be advised." \* From a constitutional point of view the most important of the charges thus made against the governor and officers is that of illegal imprisonment; and against the governor, that he had arbitrarily excluded some of the Keys from giving their votes ‡ "before they were con-

The Summary  
of Grievances  
of 1723.

\* *Rotul.*

† John Stevenson, Thomas Corlett, and Thomas Christian, three of their own members, and "John Christian of Unerigg."

‡ They also renewed their complaints about being confined like an ordinary jury, and about the illegal customs charges. The complaints were, in effect, the same as in 1719.

victed of any crime, or dismissed by the consent of the body, without which they cannot be legally excluded or expelled,"\* and that he had neglected to call them in with the deemsters, "to explain the law in high and doubtful points." The petition ended with the following words: "All which and many other gross and daring invasions on our laws, liberties and properties, so deeply affect us, as the same do apparently tend to the ruin and subversion of the whole constitution."\* This appeal, which the committee, exercising their discretion, thought it wise to lay in the first place before the earl, was unsuccessful, and another appeal presented to him three months later was likewise disregarded.† A short time after this, there seems to have been an appeal to the Crown, concerning which, in December, 1725, Edward Stanley wrote to Lord Derby: "The affair of the Island has been mentioned to Sir Robert Walpoole and next Tuesday they meet to fix on the heads of what concession your Lordshipp is to make."‡ Notwithstanding this, nothing was done, for we find that, in 1726, "The Governor and officers having set up a new authority of their own, without any law or practice to countenance it, and having in a manner taken away the jurisdiction of the 24, by trying men for crimes which

Failure of  
the appeal.

A final appeal  
to Lord Derby  
in 1726 also  
fails.

\* *Lib. Seacc.* A copy of it is to be found in Keble, pp. 595-599.

† Loose Papers. Knowsley. The first portion was presented on the 20th of August, 1725, and the second by "John Stevenson, John Murrey, and Anthony Halsall, and authorised by the 24 Keys."

‡ *Ibid.*

affect their lives,"\* certain members of the Keys and others subscribed £150 so that they might "obtain redress from his Majesty or otherways."\* Before doing this, however, they decided to make a last appeal to the earl, in which they repeated the complaints of 1719 and 1723 and prayed that he would take into consideration their "most miserable state and condition" and grant them "such relief as may hereafter effectually discourage the officers of this isle in these and all other such arbitrary practices and oppressions, and secure" to the people "for the future the peaceable enjoyment of their religion, lives, laws, liberties and properties."† No answer was vouchsafed‡ to

\* *Rotul.*, 1726.

† *Ibid.*, 1727.

‡ In April, 1727, the earl received a remonstrance from the governor and officers accusing the Keys of subverting the constitution and setting aside the execution of their laws. It is interesting to note that they admitted that "the Commons of the Island had by the ancient Laws and Constitution a right to choose their own representatives at the making of any new laws." After stating this, they went on to show the unconstitutional character of the self-election of the Keys. (*Lib. Cancell.*, April 13, 1727; Keble, pp. 697-702.) At the same time they forwarded an address of "the principall inhabitants of the Isle of Man" against the petition of the Keys which the address described as "a libel . . . called the grievances of your people, who with hearts full of joy thank heaven they are only devised by them (the Keys), and are not yet felt nor can be feared by us whilst you employ our present excellent Governor Horton" (Knowsley Muniments, 1723). There is, however, good reason for supposing that the Keys really represented the feelings of the people and that the petition just quoted was only signed by those who were compelled to do so.

this. The Keys then forwarded their petition \* to the king, by whom it was referred to the earl, who asked the governor, officers, and deemsters to report upon it. In doing so they dwelt upon the benefits which the island had received by the Act of Settlement, and remarked that, instead of the people being duly grateful, they, encouraged by the clergy, considered themselves "independent of the said Earl as to their estates." † They ridiculed the claim of the Keys to be called the "Representatives of the people," since they had "been called together and dismissed, placed and displaced by the Lord of the Isle or his Lieutenant as they saw cause." †

This report, however, does not appear to have been presented to the Privy Council, and nothing more was heard of the Key's petition. We only

\* Its preamble ran as follows: "Your petitioners are the representatives . . . of at least 20,000 of your Majesty's loyal subjects many of whom have for several years past been grievously, arbitrarily, and illegally deprived of their liberties, fined, punished, and imprisoned, and otherwise vexed, harassed, and oppressed in their persons, and in their estates, rights, and properties by the late and present governors and officers of the said isle, appointed by the Right Honourable James, Earl of Derby, Lord of Mann." Then, after enumerating their grievances, which were chiefly with reference to ecclesiastical matters, they proceeded, "Your petitioners with great duty and patience waited near four years, expecting his Lordship would find leisure to think of and relieve their crying oppressions. But the Governor and officers of the said island, seeing the disappointments which your petitioners had met with, and not being called to account for their malpractices . . . began to proceed in a more arbitrary manner (if possible) than hitherto" (*Rotul.*, 1728).  
† *Lib. Scacc.*

know that the governor summarily removed eleven of them and placed his own nominees in their places, with the result that, till the advent of the new *régime* in 1736, they were completely under his control. Some years before the Keys were thus “purged” we have the views of two contemporary writers as to their position.

Bishop Wilson and George Waldron on the position of the Keys.

Let us first quote Bishop Wilson, who states that they represented the Commons of the land, and that they joined with the Council “in making all new laws, and with the deemsters in settling and determining the meaning of the ancient laws and customs in all difficult cases”;\* and, as regards their judicial functions, that they determined cases of common law by a majority of votes, “also causes touching titles of inheritance, where inferior juries have given their verdicts before.”† The other, Waldron, † whose knowledge of their position was evidently superficial, seems to have been chiefly struck by the fact that they were more like English juries than a parliament because their business was to adjust differences between the people, and because they were locked in till they gave their verdict. ‡ With the change of rulers in 1736, the Keys at once regained their lost constitutional rights, and, indeed, between that date and 1765, attained a more authoritative and independent position than they possessed either before or after that time. They were no longer imprisoned before delivering their verdict,

Improvement in the position of the Keys after 1736.

\* Wilson (*Manx Soc.*, vol. xviii. p. 116).

† He wrote in 1726.

‡ *Manx Soc.*, vol. xi. p. 4.



nor arbitrarily dismissed, nor excluded from voting, and the practically despotic rule of the governor and officers at once came to an end.\* Moreover, the right of the Keys to a share in the control of taxation, and of exports and imports, was expressly recognized by legislation, it being ordained, in 1737, that “no order, precept, or comand prohibiting the importation or exportation of any foreign goods, or any other goods of the growth, product, or manufacture of this Isle, shall be granted or made without the consent of the Governour, Council, Deemsters and Keyes.”† Upon this, the Book of Rates was consented to by them. Between 1736 and 1765, the Keys were at variance with the governor on one point only, *i.e.*, as to whether he had the power of compelling them to continue their meetings till they had concluded the business before them. On his persisting in doing so, they appealed‡ to the duke, who decided against them, and so they had to give way, though they continued to maintain their view of the question. §

Only one cause of variance between the governor and Keys from 1736 to 1765.

Let us now briefly consider the method of election

\* For redress of some of the other grievances see p. 422.

† *Statutes*, vol. i. pp. 223–4. It was also enacted, in 1737, that any one who insulted the Keys when sitting should be fined or imprisoned.

‡ In their appeal, in 1752, they charged the governor and officers with “divers illegal incroachments and invasions as well upon the Rights, Prerogatives, and Jurisdictions of your Grace as upon the Rights, Libertys and Priviledges of the People of this Island,” but they did not specify what these were (*Loose Papers*. Knowsley).

§ See p. 824.

Method of  
electing the  
Keys.

to the Keys, the qualifications of members and their powers and privileges as they existed just before the Revestment.

Their  
qualifications  
and privileges.

When a vacancy occurred, the Keys elected two persons to be presented to the governor by their speaker. The governor chose one of them, but, seeing that he almost invariably nominated the candidate who had received the greater number of votes, the Keys practically filled the post as they wished. \* The Keys had to be twenty-one years of age and to hold landed property of the value of £3 per annum. They are summoned for legislative purposes whenever the governor thinks proper, but there were questions connected with his authority over the continuance of their sessions which remained unsettled during this period. † Their privileges are to elect their speaker, subject to the approval of the governor, to regulate their own sittings when once assembled, ‡ to reject any Bill and to be exempt from all services to the lord. § They can refuse to sign any or pass any law or order which they have not an opportunity of debating apart from the Council ; and, when any resolution is passed in the Tynwald Court, it is competent for any member of the Keys to require that it should

\* No provision was made in the event of the governor declining to accept either candidate. This, however, does not seem to have ever happened. See Wilson (*Manx Soc.*, vol. xviii. p. 116). † See pp. 824-5.

‡ This, as we have seen, was disputed.

§ This last is not the case now. They had also formerly a right to shoot game without a licence.

be debated by them in their own House before they came to any decision upon it. They have no exclusive privilege with regard to money Bills. \* Each "Key" held office for life, unless he chose to resign and the governor accepted such resignation, or unless he was expelled or accepted an office which entitled him to a seat in the Council.

There had undoubtedly been some improvement LAWS. in the condition of Manx law between 1266 and 1405. Trial by ordeal, for instance, had been abolished, as we see from the fact that, when Hawley M'Issacke was arraigned for rising against the governor in 1422, the accused "put him to the Country," † *i.e.*, he expressed himself ready to submit to a verdict. ‡ Further, the decision given by Tynwald in 1429 shows that trial by combat had become obsolete. § At the beginning of this period, too, we find the system of "enquests" or "inquests" in full operation. The members of these "enquests" were summoned to give evidence, not to hear it. They were supposed to know all about the facts to

Changes  
between 1266  
and 1405.

\* In his examination before the commissioners in 1791, John Quayle, clerk of the rolls, said that he had heard that the Keys claimed it as their privilege to originate money Bills. But this was contradicted by other witnesses and there seems to be no proof of it. "Constitution" (*Manx Soc.*, vol. xxxi. p. 145). † *Statutes*, vol. i. p. 21.

‡ In 1215, the Lateran Council forbade its clergy to join in the rite of ordeal, and soon after that it disappeared in England as a legal process. In the Isle of Man ordeal by water was applied to witches till well into the seventeenth century.

§ *Statutes*, vol. i. p. 22. It was not abolished in England till 1819, though the assizes of Henry II. had substituted something like trial by jury for it.

which they had to testify, whether they referred to the ancient customary laws, to the crimes committed by their neighbours, or to the properties held by them. It was not till the beginning of the seventeenth century that they developed, under the influence of English methods, into juries who listened to witnesses and gave a verdict according to the evidence, and that the grand jury that indicts and the petty jury that tries came into existence. Nor was it till 1610 that an effort was made to abolish the practice of swearing away a charge with compurgators.\* Between 1405 and the beginning of the seventeenth century the Manx customary laws were committed to writing, but scarcely any attempt was made to introduce new laws, the main object of the insular Government being, apparently, to place the "Constitution of Old Time" † on record. These Records are said to have been begun by Michael Blundell, ‡ the Stanleys' first governor of Man, but, if this were so, no trace of his labours remained, even as early as 1418. It was ordered, in 1422, that all things were to be written "plaine with full letters," § that every plea was to be written out of the "Court Rolls" and put on record, and that "all doubtful points" should be "registred upp," || but we do not know whether these orders were faithfully carried out or not, because, unfortunately, till 1580, all the

Development  
of the  
"enquests"

No written  
records or laws  
till after 1405.

\* *Statutes*, vol. i. p. 72. This practice continued in the Isle of Man till towards the middle of the seventeenth century, and in England it was not legally abolished till 1833.

† *Ibid.*, p. 3.

§ *Ibid.*, vol. i. p. 18.

‡ *Ibid.*, p. 11.

|| *Ibid.*, p. 12.

laws and proceedings of the various courts were inscribed in miscellaneous rolls—*Libri Rotulorum*—the greater number of which have been lost, and it was not till after that date that they were entered in separate books, now generally known as “The Records.”\* The more important of these books are as follows:—

(1) *Insular Statutes*. †

(2) *Libri Cancellarii*, containing actions, decrees, &c., of the Chancery Court.

(3) *Libri Placitorum*, or Books of Common Pleas, containing actions in that court, and the names of its officers, juries, inquests, &c.

(4) *Libri Scaccarii*, or Exchequer Books, containing judgments on breaches of penal statutes, appeals from the Spiritual Court, &c.

(5) *Libri Juramentorum*, or Books of Oaths taken by the various officials on receiving their appointments, also of the Keys. ‡§

(6) *Libri Irrotulamentorum*, containing the commissions of these officials.

After the beginning of the seventeenth century, legislation, in the modern sense of the word, gradually began. But neither the written laws, nor the

\* For a description of the Manorial Records see pp. 901–2.

† These do not appear in a distinct book till a comparatively late date. The earliest are found in (2) and then in (5).

‡ In loose sheets.

§ For copy of this oath see Appendix C.

|| The commissioners, in 1791, remarked that the laws and ordinances before this time appear “to have been prescribed by



No new  
legislation till  
17th century.

various judgments on legal points which had been recorded, did away with the "breast" laws, which, notwithstanding orders to commit them to writing in 1636 and 1667, still remained oral till about 1690. At that period there appeared an "Abstract of the Laws, Customs, and Ordinances of the Isle of Man,"\* which its author, the learned and able Deemster Parr, also described as "an abridgment of the established and practical Laws." By means of its embodiment in this book Manx common law became more stable and reliable, being less dependent on the caprices or memories of the deemsters. There was, however, still room for improvement, and therefore, in 1722, Lord Derby directed the governor to have "the laws and presidents (*sic*) well-digested and put into good form and order," † but, up to the very end of this period, and even after it, the deemsters are accused of deciding cases by "breast" laws.

The customary  
criminal code  
was very  
severe.

The Manx customary criminal code ‡ was a very severe one. Thus, thefts of the value of sixpence or more were accounted felony, and were punished by death. The result of this was that juries were

such different powers, or combinations of power, that, as precedents of the exercise of Legislative authority, they can have but little weight." (Report, p. 67).

\* It has, unfortunately, never been published. There is a copy of it in the Law Library in Douglas, and some of the Manx advocates have taken copies from this for their own use. In it are to be found all the more important customary laws, the various legal decisions given from time to time, and a number of "breast" laws as well as of the Statutes.

† This was never done (Knowsley Papers).

‡ See Parr's MS.

went to find that the value of the goods stolen did not amount to that sum. With a view to putting a stop to this practice, it was enacted, in 1629, that all sheep-stealing and "stealing and cutting of beehives in gardens," whatever the value of the goods stolen, was felony, and that various other thefts of the same kind, but apparently considered as being of a less serious nature, were also felony, if above the value of sixpence, while for thefts below that value the offenders were to be whipped "or set upon a wooden horse."\* To ensure convictions on such charges "the most sufficient men in the Parishes,"\* *i.e.*, the men of most substance, were to be chosen as jurors. Such sanguinary legislation would naturally become almost a dead letter, and that it was so is shown by the paucity of the death sentences recorded. An important change in Manx law was brought about by the statutes of 1737, which have been called the Manx "Bill of Rights." By them accused persons were assured of the right of trial by jury in all cases. Traverses were ordered to be heard within six months after the verdict. All questions of title to land were directed to be tried by Common Law and by sheading juries, not in Chancery as before, and no sequestration could be laid upon land, &c., except in extraordinary cases, and, even then, not without the consent of the Tynwald Court.† As regards the administration of the laws, so high an authority as Coke commended it in the highest terms for its promptitude and

The Bill of  
Rights of 1737.

The prompt  
administration  
of the law  
commended.

\* *Statutes*, vol. i. p. 82.

† *Ibid.*, vol. i. p. 220.

cheapness,\* and his opinion was supported by that of Sacheverell, who writes that "the ease of the Government, and every man's interest, draws all suits to as speedy a conclusion as possible."† A little later, the state of things in this respect seems not to have been so satisfactory, for we find the Keys, between 1704 and 1730, accusing the governor and officers of administering the laws in an arbitrary manner. About 1720, advocates first appeared in Manx law courts, they becoming necessary chiefly on account of the large influx of strangers, who were unacquainted with the laws and language.‡ Lawsuits, however, still continued to be determined "without much charges." †

## § 2. *From 1765–1900.*

### THE CIVIL CONSTITUTION SINCE THE REVESTMENT.

The  
Constitution  
practically  
unchanged  
at the  
Revestment.

Before the Revestment the Constitution had already assumed a definite form,§ so far as regards the three governing authorities—the Sovereign, the Governor and Council, and the Keys—and their mutual relations, and that event made no changes in it, except by transferring the regal rights of the

\* "But now let us come to their laws and jurisdiction . . . the like whereof we find not in any place . . . all controversies they determine without process, pleading, writing, or any charge or expense at all. Gell (*Manx Soc.*, vol. xii. p. 155). (From "Coke's Institutes of the Laws of England," cap. 69.)

† *Ibid.*, vol. i. p. 7.

‡ Wilson (*Manx Soc.*, vol. xviii. p. 117).

§ As explained in the last chapter.

lord to the English Sovereign. The lord continued, however, to retain his manorial rights, including the unique power, for a subject, of the patronage of the bishopric, as well as of most of the livings, and it was not till between 1825 and 1829 that these last remaining vestiges of the feudal dominion were extinguished, and the king of England acquired the whole of the privileges which were anciently connected with the lordship of the island. We will now trace the main constitutional changes which have taken place since 1765.

The position of the governor\* continued to be much the same as before the Revestment till after the constitutional changes of 1866. In consequence of these changes, and of the force of character and administrative ability of two able men, Loch and Walpole, who were governors for a period of thirty-one years,† the governors have come to perform many more public duties than formerly. Thus, after 1866, the governor had a substantial revenue to dispose of; its management, subject to the approval of the Tynwald Court and the control of the Treasury, was entrusted to him, and he claimed that no motion involving expenditure could be made without his sanction, *i.e.*, that he alone had the power of initiating all motions concerning the expenditure of the revenue.‡ To sum up the situation

The position of  
the governor.

\* For the exceptional period between 1793 and 1826 see Book IV. ch. i.

† From 1863 to 1884.

‡ It is clear that such a power, which is analogous to that of the English Chancellor of the Exchequer, must almost necessarily be confided to the governor.

—the governor is the supreme executive authority,\* and he shares the control of the legislative and administrative functions, including the management of the revenue and the control of its surplus, with the Tynwald Court, both being subject to the supervision of the English Government; he has, also, the power of veto as regards the disposal of the surplus revenue † and the nature of proposed harbour works, ‡ and his signature is necessary to the validity of all Acts. It has been the practice for him to act as Chancellor of the Exchequer and to initiate all questions concerning the raising or expenditure of public funds.§ On the whole, if the powers of the governor before the Revestment and at the present day be compared, it will be admitted that, though

\* As representative of the Sovereign: "The supreme executive power of this kingdom is vested by our law in a single person, the king or queen" (Stephen's Commentaries, 7th edit. vol. ii. p. 395).

† "The surplus, if any, of the duties of customs of the Isle of Man, after deducting the sums hereinbefore directed or authorised to be paid or set aside thereout, or charged thereon, shall be applied for such public purposes of the Isle of Man, to be approved by the Commissioners of Her Majesty's Treasury, as the Court of Tynwald shall from time to time determine, the Lieutenant-Governor having a veto upon such decision" ("Isle of Man Customs, Harbours, and Public Purposes Act, 1866." 29 Vic. c. 23).

‡ It shall be lawful for the Court of Tynwald to determine what improvements [in harbours] shall be undertaken; the Lieutenant-Governor having a veto upon such decision. (*Ibid.*, p. 201).

§ This is rendered necessary by the fact that there are no officers corresponding to responsible ministers or to Colonial Secretaries of Crown Colonies.



employed on more numerous objects, they are distinctly smaller, or, perhaps, we should say, less likely to be exercised, now than formerly. This is partly due to the fact that the modern governor is subject to the control of an ever active and alert department of the English Government, while his predecessor was controlled only by a lord who did not, as a rule, interfere with his management of insular affairs, and partly also to the greatly increased force of public opinion, and to the argus eye of the Press. A Governor Horne, just as much as a Bishop Wilson, would be an impossibility in these days. Although Walpole in one passage speaks of the "almost autocratic authority" \* of the governor, he fully recognizes that it is subject to important limitations. He admits that "in practice, a Governor thrown into constant communication with the people, who approach him on every kind of business, and periodically confronted, not with his Council alone, but with the two branches of the Legislature in Tynwald, necessarily learns to mould his views to the people's views, and to give shape and effect to their wishes." †

The office of comptroller was done away with in 1765, his place as manager of the land revenue being taken by an official, who, till 1826, was called the duke's agent, and, after that date, the Crown agent or Crown receiver. An official, called the seneschal, was appointed in 1765 to preside over the duke's

The Crown  
receiver and  
seneschal.

\* *Land of Home Rule*, p. 279.

† *Ibid.*, pp. 279-80.

manorial courts. After 1826, he became a Crown official.\*

The clerk of  
the rolls.

The clerk of the rolls continued to perform much the same duties as before. He became a judge of the High Court in 1883, and was given charge of the Chancery Division.

The receiver-  
general.

The receiver, called "receiver-general and collector" between 1765 and 1832, and, since then, receiver-general only, had, after 1765, no land revenues to collect. He shared the work of collecting the customs duties and port dues with the water-bailiff till 1832, when he was superseded by the appointment of a collector, who was taken from among the members of the English customs service. It would seem that, between 1832 and 1835, this official performed no duties † whatever, but, in the latter year, he was constituted Chairman of the Harbour Board, a body which was at that time appointed by the English Government.‡ Till 1791, he was deprived of his seat in the Council on the ground that he was not appointed by patent under any of the royal seals, but he was then, on the representation of the commissioners, restored to it.

\* After 1826, the offices of seneschal and Crown receiver were usually held by the same individual, he, in the latter capacity, collecting the manorial, mine, and other Crown rents as the agent of the Commissioners of Her Majesty's "Woods, Forests and Land Revenues," who have the sole management of the Crown property and revenue in the island.

† His title of "receiver-general" was continued, though he received nothing but his salary.

‡ See p. 799.

He did not, however, take advantage of this privilege till 1813.\*

Between 1832 and 1872 he did not sit in the Council, though there seems to have been nothing to prevent his doing so. In 1872, when the appointment of the Harbour Board was vested in the governor, subject to the approval of Tynwald, he resumed his seat.†

The water-bailiff seems also to have been continued to be called "collector" between 1765 and 1791, during which period he was deprived of his seat in the Council for the same reason as the receiver-general. After that date, except between 1852 and 1866, when he held inquests of deaths, he exercised his functions as "Admiralty" judge only, and was restored to the Council, though it is not recorded that he sat in it till 1819.‡ He continued to be a member of that body till 1885, when his office was done away with. Water-bailiff.

The attorney-general remained as before, and, as regards the deemsters, the sole change was a temporary one, there being only one of them between 1777 and 1793.§ Attorney-general and deemsters.

A new office, that of clerk to the Council, was created shortly after the Revestment, and, in 1867, a treasurer was appointed. These offices, with that Clerk to the Council.

\* *Lib. Jurat.*

† By 35 and 36 Vic. c. 23.

‡ *Lib. Jurat.* The offices of receiver-general and water-bailiff were occasionally held by the same individual.

§ It should, however, be noted that, since 1765, the words expressing that their appointments are "during pleasure" have been omitted from their commissions.

High-bailiffs. of governor's secretary, are at present held by one person. In 1777, the office of captain of the towns was abolished, its "civil" duties being transferred to high-bailiffs, who, in 1857, also became presidents of the licensing courts in their districts.\* In 1866, the duty of taking inquests of deaths was transferred to them. After 1860, their powers as to ordering the repairs of streets, removal of nuisances, &c., were taken over by popularly elected bodies.†

The coroners, lockmen, and moars remained as before, except that, after 1852, the coroners no longer took inquests of deaths.

The runners have been dispensed with.

Changes in the  
courts of  
justice.

We have now to consider the changes which the Courts of Justice have undergone since the passage of the Revesting Act. By that Act, the judicial authority of the lord being abolished, the Court of the King in Council, or the Privy Council, became the immediate, as well as the last, court of appeal from the insular jurisdictions. The manorial courts were necessarily reserved to the Duke of Atholl, as being lord of the manor, and were, in common with the baron courts, called "Courts Baron," the books and enrolments belonging to them being separated from those of the other courts and delivered to the seneschal, who presided over them. In 1777, their civil jurisdiction, which had for some time past been obsolete, was abolished. To all the other changes, as they are more interesting to the lawyer than to

\* *Statutes*, vol. ii. p. 423. These courts are more especially referred to in Book IV. p. 581.      † See Book V.

the student of history, we propose referring very briefly.\* By the Acts of 1777 and 1796 provisions were made for regulating the proceedings of the superior courts, and the Common Law Courts, instead of being held only twice a year, were ordered to be held on specified days once in each of the four legal terms, both in the northern and southern districts.†

High-bailiffs' courts were in the former year established in the towns, with jurisdiction in matters of debt, not exceeding 40s.‡ in value, arising in the districts allotted to them,§ subject to an appeal to a deemster.

In 1814, it was enacted that foreign debts should be recovered in the same way as debts contracted in the island, and, to facilitate this process, it was decided that the judgments of the British courts should be recognized in the Manx courts as evidence of the debt.||

In 1825, the composition of the Court of General Gaol Delivery ceased to be identical with that of

\* Moreover, the only way to really study them is by reading the Statute books.

† They are still held on these days.

‡ This was, at first, in Manx currency = 34s. 3½d. English, but since been raised to 40s. in English currency.

§ To Douglas: Braddan, Conchan, and Santon; to Ramsey: Lonan, Lezayre, Bride, Andreas, and Ballaugh; to Peel: German, Patrick, and Marown; and to Castletown: Malew, Rushen, and Arbory.

|| This was, probably, no more than declaratory of the Common Law, as the rule of private international law is that civilized nations recognize and give effect to final judgments of other civilized countries.



the Tynwald Court, since the Council (as a body) and the Keys were deprived of their right of sitting in it.\*

This court is now composed of the governor (whose presence is indispensable), the clerk of the rolls, and the two deemsters (of whom two at least must be present). It is held "as occasion shall require" by order of the governor. The jury connected with it consists of twelve men, and its procedure and rules of evidence are similar to those in the criminal courts in England.†

At about the same time as the change in this court, possibly owing to the influence of the fourth Duke of Atholl, the deemsters ceased to attend the Chancery Court, thus leaving the governor and the clerk of the rolls as its only members.

Such were the chief changes in the Manx judicial system up to 1825. Between that date and 1883 ‡ there was no alteration of importance, but by the passage of the Judicature Act in the latter year the whole system was transformed.§

\* See pp. 826-7 for discussion of this.

† We may note that, of the various juries mentioned in our first constitutional chapter, the Great Enquest, the Setting Quests and Trespass Juries are the only ones which are still occasionally called upon to exercise their ancient functions.

‡ Since the passing of the Criminal Code in 1872 all felonies and misdemeanours, with the exception of offences punishable by death or by penal servitude for more than ten years, and certain other specified offences, which are triable only in the Court of General Gaol Delivery, and misdemeanours punishable on summary conviction, may be tried either before the Court of General Gaol Delivery or before a deemster and a jury of enquiry, at the discretion of the attorney-general.

§ It makes, however, no change in the right of ultimate appeal to the Sovereign in Council.

Law and equity were fused and the whole legal and equitable jurisdiction of the various courts was transferred to the High Court of Justice.

The Courts of General Gaol Delivery, the high-bailiff's courts and Petty Sessions \* were not affected, nor were the ecclesiastical courts, except as to certain appeals. But, in the following year, the jurisdiction of the latter courts over probate and matrimonial cases was transferred to the temporal courts, and, in 1885, rules, similar to those made under the English Judicature Acts for the regulation of the High Courts, were approved by Tynwald. The effect of this legislation has been virtually to assimilate, with very few exceptions, the Manx practice in the administration of justice † to the English.‡ The procedure, however, is still somewhat antiquated and cumbrous, and tends to unnecessary delay in the settlement of suits.

### *The Legislature.*

Up to the time of the Revestment the Tynwald

\* These courts do not differ in constitution from the courts of the same name in England, but there are some slight variations in their practice.

† It is of interest to observe that the Act by which a person charged in any criminal proceedings with the commission of any offence was made a competent witness at the hearing of such charge was passed in Man in 1886, thus anticipating similar legislation in England by twelve years.

‡ A comparison of pages 747-758 and 800-3 with Appendix D, where the changes made by the Act of 1883, &c., are referred to in some detail, will give our readers an outline of the Manx judicial system at the present day. (For the substance of this appendix we are indebted to Mr. G. F. Clucas, advocate.)

Changes  
produced by  
the *Mischief*  
*Act*.

Court\* passed laws concerning the government of the island in all respects and had control over its finances, subject to the approval of the lord. After the Revestment, or rather after the passage of the *Mischief Act* in the same year, Imperial Parliament legislated with respect to customs, harbours, and merchant shipping,† and, in measures of a general character having reference to the Empire at large, it occasionally inserted clauses, without the consent of Tynwald,‡ by which penalties in contravention of those Acts might be enforced in the island. It also assumed the control of the insular customs duties. These actions could only be justified on the ground that Parliament is supreme in all the Crown's dominions,§ a principle which it had proved impossible to enforce with regard to the American Colonies, but which the Isle of Man was powerless to contest. Such were the changes which, rather than the

\* It is to be understood that the expression "Tynwald Court" includes the governor, as well as the Council and Keys.

† *Manx Soc.*, vol. xii. pp. 193-4.

‡ Even before the Revestment, however, there were exceptional instances of such interference. Parliament has never legislated with regard to the internal government of the island.

§ See pp. 738-9 for decision in 1523. It is clear that the right to tax the Manx people could not have been acquired by the purchase from the Duke of Atholl, as he had no power to impose customs duties or to legislate without the consent of the Tynwald Court. The duke's advocate, when arguing his case before the Lords, in 1781, said "no lawyer ever did or I believe ever will dispute that it is competent for the King, Lords and Commons in Parliament to bind the Isle of Man" (Pamphlet 1783).

transference of the sovereignty from the lord to the King of Great Britain and Ireland, though this was also not without its effect, modified the Constitution of the Isle of Man. Its ancient laws and tenures were, however, not interfered with.

We will now endeavour to show how the position of the Tynwald Court has been altered since 1765. Practically no effort was made for many years to regain the rights of which it had been deprived, and, in 1793, it was, for reasons which have been already explained \* placed in a worse plight than before by the appointment of the fourth Duke of Atholl as governor. The efforts both of the Keys and of the people to obtain greater authority for Tynwald,† to which we have referred in Book IV., chapters i. and ii., were mainly directed towards securing for it a share of the control over the insular revenue. But nothing was accomplished till 1853, and then only a very small concession was made, though it was admitted in principle that the Imperial Government should not impose new taxes, or increase existing taxes, without the consent of the Manx people.‡ It was not till 1866 that any real advance was made towards freeing Tynwald from the bonds that had been imposed upon it, but then, though the Manx people did not obtain all that they had hoped for, they very greatly improved their political position. It is certain that

The Tynwald  
Court.

\* See Book IV., ch. i.

† It ceased, as we point out elsewhere, to be a judicial body, under the title of the Court of General Gaol Delivery, in 1825.

‡ "Isle of Man (Financial Measures). Return to an order of the House of Commons, dated March, 1866," p. 2.

they would not have succeeded in doing so even at that time, if it had not been for the influence and assiduity of Governor Loch—a fact which should never be forgotten by Manxmen. In 1865, the financial position of the island was discussed by the governor and the Treasury, with the result that it was agreed that Tynwald, provided it would consent to a large increase in the customs duties, should have the control of the surplus revenue, subject to the veto of the governor and the Treasury, and after the deduction of certain payments and charges.\* The agreement between the governor and the Treasury, which was embodied in a minute, dated the 21st of December, 1865, was laid before the Legislature by the governor in a private conference on the 15th of March, 1866. In doing so he remarked that it was a matter of notoriety that the funds available for public works were altogether inadequate to meet the increasing requirements of the country; he stated that the Government had, therefore, “consented to an increase of duties, and that the Island should have the full benefit of the increase;”† that an Act of Parliament would be necessary to enable this to be done; and that “the Government would not bring in such a measure without first obtaining the approval of the Insular Legislature.”† At the same time he intimated that these proposals were subject to the condition (not referred to in the printed correspondence) that the Keys should consent to

\* For a full discussion of this see Book IV., ch. ii., § 4.

† Keys' Journals.



become an elective body. The Keys then retired to their chamber and passed a resolution to the effect that they were "prepared to consider any legislative measure necessary to make their House "an elective body,"\* but that both this question and the other proposals were of too much consequence to be determined by them on their exclusive responsibility, and that therefore they should be "laid before the country."\* On this resolution being reported to the governor, he rejected the suggestion that the country should be consulted, and said "that it was strictly a matter for the Insular Legislature to determine."\* The Keys, meekly acquiescing in this view, again retired and drew up the following: "The Keys having this day taken into consideration the important communication made to them by His Excellency, the Lieutenant-Governor, by which they have been informed that the British Government is prepared to propose a new scale of Customs Duties for the Isle of Man, by which scale the duties upon several articles will be considerably increased, but proposing also that any increase in the Revenue which may be the result of the proposed changes shall be for the benefit of the Island . . . and at the disposal of the Insular Legislature,—Resolved that, inasmuch as it appears to the Keys that the proposed changes would be for the benefit of the Island, they are prepared to concur in a legislative enactment necessary to give effect to these proposals—the Keys reserving the right to consider matters of detail."\* They also

\* Keys' Journals.

expressed their readiness to pass an Act to make the House an elective body. It is, of course, palpable that the Keys had not had sufficient time fully to apprehend the important questions so suddenly brought before them; indeed, one of their body said, at a later date, that they had been "driven into a corner," and that they had given their consent because they "felt that they could not take upon themselves the responsibility of rejecting" the proposals, which were "represented as being so advantageous to the Island," and he naively confessed that he "did not understand the question at the time."\* When the governor had received the resolution of the Keys, both branches of the Legislature met in Tynwald on the same day (the 15th of March). At this meeting the governor made a lengthy statement to the court which was to the same effect as the statement made by him to the Keys previously, and he suggested that a committee of the court should be appointed to go into the details of the financial proposals of the Imperial Government with him. This suggestion was agreed to by the Tynwald Court, and the committee, at an adjourned court on the 20th of March, reported in favour of the acceptance of the proposals, subject only to a proviso which, being found unworkable, was afterwards abandoned.† The Tynwald Court concurred, and

\* E. C. Farrant in debate (in the Keys) of the 22nd of June, 1866 (*Manx Sun* of June 30, 1866).

† It was that "such a change be made in the Customs Consolidation Act as will prohibit the removal to this Island of duty-paid goods in transit, and make all duties payable on

re-appointed the committee to act with the governor "in watching the progress of the Act of Parliament necessary to carry out the financial arrangements."\* The committee thereupon proceeded to London. The Act,† which they were deputed to "watch," was passed on the 18th of May. It contained, among other clauses, the following, which certainly stretched the powers of the Treasury beyond the limit placed upon them by the minute to which the Tynwald Court had assented: "The Commissioners of Her Majesty's Customs shall apply the duties of customs collected in the Isle of Man (except the necessary charges of collecting, recovering, and accounting for the same, which charges they are hereby authorized and directed to retain and pay out of the gross amount collected, notwithstanding the provisions of the Act of the 17th and 18th of Victoria, chapter 94) in manner following (that is to say) they shall thereout pay and defray the necessary expenses attending the government of the Isle of Man, and the administration of justice there, and other *charges incurred in the Isle which have heretofore been or may hereafter be deemed fit and proper charges* to be deducted from and paid out of the duties of customs collected in the Isle of Man, including so much (if any) of the services which shall have been voted by the House of Commons applicable to the Isle of Man

arrival in this Island" ("Isle of Man: Financial Measures," p. 22). An arrangement was come to about this matter at a later date. (See p. 721).

\* Keys' Journals.

† 29 Vic. c. 23.

as the Commissioners of Her Majesty's Treasury shall from time to time direct : Provided that no part of the said duties of customs shall be applied for or towards any of the Navy services, except the salaries and expenses of the Coast-Guard service of the Isle of Man, and that no part of the said duties of customs shall be applied for or towards any of the Army services, except the charges of the Volunteers of the Isle of Man."

Having this Act before them, the Keys met on the 23rd of May and protested that "when on the 15th of March they agreed to the Fiscal changes lately introduced into the Island," they "were led to believe that any surplus revenue which would arise from the increase of the duties thereby created would be at the disposal of the insular Legislature."\* The impression on their minds had evidently been that the Tynwald Court would have control over the whole surplus after deducting the charges referred to in the Treasury minute, *i.e.*, that their power would extend over the whole increase consequent on the additional duties and therefore over any new charges, including all increases in the salaries of the officials that might be necessary. But they perceived that the clause just quoted gives the Treasury, not Tynwald, the power to increase those charges, and only leaves Tynwald the ultimate surplus.† Recog-

\* Keys' Journals.

† This power was, of course, unlimited, and it might, therefore, be extended so as to absorb the whole of the surplus, though it is in the highest degree improbable that this would ever be done.

nizing the mistake that they had made, they passed a resolution that "no increase in the salaries payable to the officials of the Island should be made without the consent of the House of Keys is first had and obtained"\*—a resolution which, after the Imperial Parliament had legislated on the question, was altogether futile. The Tynwald Court met on the 8th of June, when the governor, in reply to the resolution of the Keys, referred to the clause in question, and said that no one could possibly have been misled, because, when "the question had been raised on a former occasion in the Tynwald Court, he had distinctly stated that the Government reserved to themselves the entire control over the expenditure for the government of the Island."\* He pointed out that the court had already approved of the Treasury Minute which entrusted the control of these salaries to the Imperial Government, and that a committee of the court had agreed to the Bill founded on that Minute. But he added that he had suggested to the Treasury that, "before any permanent increase in the expenditure was made, the matter should be laid before the Tynwald Court and that it would then be open for the Court to make any suggestions it thought fit."† At the same time he stated that "it would be for the Government to decide whether they would adopt these suggestions or not,"† but he

\* Keys' Journals.

† *Ibid.* We may mention here that the Government shortly after this raised some of the salaries in question without giving Tynwald an opportunity for making the suggestions referred to.



assured the court that the Government wished it "to have the sole control" of the surplus revenue, and that they would not "interfere" with this control, "unless in some gross case of misappropriation."\* Governor Loch's position was an impregnable one, so that there was nothing left for the Keys to do but to submit to the situation.† This may be summarized as follows: The Tynwald Court's control of the surplus revenue is subject to the veto both of the governor and of the Treasury; the Imperial Government, after intimating its intention to Tynwald, fixes the rates of the customs duties; and the salaries of the officials and the cost of government are at the absolute disposal of the Treasury. Notwithstanding these limitations, however, the practical result of the negotiations of 1865 and 1866 has been to give Tynwald, if not the sole control of, at least a substantial share in, the disposal of the surplus revenue. The Manx people had thus made a distinct advance towards greater political freedom, having obtained what may be described as "Home Rule during pleasure." Since then, moreover, several modifications, to which we will now refer, have been made in the direction of giving the

\* *Manx Sun*, June 16, 1866.

† Beyond grumbling at the supposed *laches* of the members of the committee that went to London for not watching their interests more carefully. One of their members, William Callister, remarked, "It just comes to this, that we are to spend the money just as they [the British Government] tell us, and the idea that the representatives of the island will have the right to expend it is all moonshine" (*Manx Sun*, July 14, 1866).

insular Legislature greater authority. The Treasury's power of veto over expenditure, which was occasionally enforced at first, owing to the small amount of the surplus, has of late years "tended to become more and more a matter of form."\*

In 1872, the Tynwald Court, which, in 1866, had gained the right to decide, subject to the approval of the governor and the Treasury, what harbour works should be undertaken, gained also the control over the Harbour Board and the power of vetoing the nomination of its members (except that of the receiver-general, who is chairman *ex-officio*), which is vested in the governor.† In 1878, it was admitted by the Law Officers of the Crown that the insular Legislature was competent to pass measures relating to Church temporalities, even though the Crown was interested in them.‡

In 1886, when attention was called to the fact that some increases had been made in the salaries of insular officials without Tynwald being informed of such increases, the then governor, Walpole, "while reserving the rights of the Imperial Government and his successors," gave "a personal undertaking that he will make no addition to the cost of

\* *Land of Home Rule*, p. 274. It should, however, be mentioned that, since this was written (in 1893), some friction in reference to expenditure has arisen.

† By 35 and 36 Vic. c. 23.

‡ The insular Legislature consequently passed the "Bishops Temporalities Act" (*Statutes*, vol. iv. pp. 514-19). For a discussion of this question see an able memorandum by Sir James Gell in *Manx Soc.*, vol. xxxi. pp. 21-32.

government without first acquainting the Tynwald Court.”\* He was, however, careful to say that he did not ask the concurrence of the Court in the proposed changes, but merely gave it an opportunity of objecting to them. At the same time, however, he gave an undertaking that he would bind himself “to defer to its decision if the objection is sustained on a division.”\* By this he seems to have intended it to be inferred that, although he could not, for constitutional reasons, allow Tynwald, in the teeth of the Act of 1866, to have a voice in the voting of salaries, he was prepared to give an opportunity for objection, and, indeed, as far as he was personally concerned, to go further and defer to the opinion of the Court.

This course has not been invariably followed by his successors.

In 1887, a further grievance was removed by Tynwald being allowed by resolution to “impose, abolish, or vary” the customs duties, subject to the approval of Parliament or the Treasury, such change to take effect immediately and to continue for six months, and, if Parliament be then sitting, to the end of the session, provided that the same be not in

\* *Land of Home Rule*, p. 274. In 1880, when the “Burials Bill” was passed by the Lords, the governor (at the request of the Tynwald Court) obtained a promise from the Imperial Government that, in future, no Imperial Act, which affected the Isle of Man, should be passed without his being first informed of it. On this condition, Tynwald gave an undertaking that it would introduce legislation on this question, and the Isle of Man was, thereupon, struck out of the Bill.

the meantime annulled by the passing of an Act of Parliament, or a Treasury Minute.\*

Before this change was made, the intimation to Tynwald respecting any proposed alterations of the customs duties had been a mere form, because, as it was asked to pass a concurrent resolution with that before Parliament, it was deprived of the opportunity of giving adequate attention to the important questions which might be involved.

After the Revestment the Council became a much The Council. more stable body. Its composition, as we have seen, varied from time to time, especially during the earlier part of the period. These variations, however, took place for substantial reasons, and not, as had previously been the case, at the caprice of the governor. Thus, between 1777 and 1793, the ecclesiastical officers † were excluded, on the ground that they were appointed by a subject, the Duke of Atholl, not by the Crown. During the same period there was only one deemster, one being then considered sufficient for the duties of that office, and the receiver-general and water-bailiff did not sit in the Council whilst they were customs officers only.‡

\* 51 Vic. c. 5.

† This refers to the Legislative Council; they were never members of the Executive Council. The Keys petitioned the House of Commons against their restoration to the Council in 1793, remarking that, in their opinion, there could not "exist a greater solecism in politics than a claim on the part of a subject to obtrude members on his Sovereign's Council" (Pamphlet: "A Short History of the Transactions in the Isle of Man," p. 4).

‡ Between 1777 and 1793, only such of the officers as had commissions under the royal seals sat.

In 1825, the Council, as a body, ceased to sit in the Court of General Gaol Delivery. In recent times its composition has undergone no change. Its present members are the bishop, the clerk of the rolls, the two deemsters, the attorney-general, the receiver-general, the archdeacon, and the vicar-general.\* In 1882, its meetings were held in public for the first time.

The Keys.

Keys become  
a close  
corporation.

At the beginning of this period we find the Keys, whose system of self-election was firmly established, practically holding their office for life.† They were, in fact, gradually becoming a close corporation, recruited solely from a few of the principal insular families, and, though they called themselves the representatives of the people, they really represented no one but themselves. This being so, it is not surprising to learn that the people took the opportunity, when the Commission of enquiry came to the island in 1791, to protest against their system of self-election and to demand their election by popular suffrage.‡ Exception was taken, at the same time, to their sitting in private§ and passing laws of which the public had no knowledge.|| On the remonstrance of the commissioners, the Keys

Agitation  
against them.

\* The second vicar-general was abolished in 1846. The vicar-general is now paid out of the Civil List, though appointed by the bishop, a most anomalous arrangement.

† The latest instance of a "Key" being removed by a governor was in 1734.

‡ Commissioners' Report. App. (D.) No. 2.

§ Objection had previously been made to this, in 1788. See Appendix A. Book IV. Ch. I.

|| Commissioners' Report, pp. 85-6.



promised to reform their procedure in these respects,\* and again, in 1822, they resolved that "in future the door of the House of Keys shall be open to the public during the debates of the House."† In 1823, the speaker, in addressing the House, declared that they would "legislate on no subject that has not been previously submitted to the country," that they would encourage the free communication of the people's "views and opinions individually and collectively, by opening the doors of this House to their petitions and representations, presented through the medium of a member" and that they would endeavour to frame their measures, as far as practicable, "in conformity to their interests, their feelings, and their judgments."‡ Nevertheless, the Keys almost invariably sat in private between 1792 and 1822, and, usually, between 1822 and 1833. In the latter year the agitation‡ against them was resumed, and, in addition to the previous charges, they were accused of unduly controlling the verdicts of juries, of levying rates on the public without their consent, of disposing of these rates without rendering any account and of passing injurious laws. A

\* In 1793, it was announced in the *Manks Mercury* that "The Keys unanimously entertain the laudable resolution of throwing the House open to the public."

† *Manks Advertiser*.

‡ It should be remembered that, till 1864, this agitation was the work of a minority. Many Manxmen were hostile to any change, the organ of one party going so far as to say that "popular election would be the greatest curse that ever fell on the island" (*Ibid.*).

petition containing these charges, together with a demand that the people should have the right of choosing their own representatives, was sent to King William IV. by a number of Manxmen. In 1834, two petitions were presented to Governor Ready asking him to convene the Legislature for the purpose of taking into consideration the election of the House of Keys by the voice of the people. Nothing having come of these petitions, a further appeal was, in 1838, made to the governor, to "form a constituency of the inhabitants of the Island, for the purpose of electing the members of the House of Keys," which elicited the following answer: "Such a change in the Constitution of the Isle of Man cannot be agreed to; and I have further to inform you that, if reform in the House of Keys is found to be really wanted, a representation from the Island in Parliament may be the measure of reform adopted." Notwithstanding this reply, a similar petition was sent to Her Majesty in the same year, and again, in 1844, to the House of Commons. This last petition was referred to the Keys, who, in January, 1845, described the statements contained in it as "false and delusive." They admitted "the general principle of popular election," but denied that it would be beneficial, as "it would necessarily entail a considerable expense upon the people, and, from the isolated position and very limited extent of the Island, would engender a degree of bitter animosity among neighbours, highly prejudicial and strongly contrasted to the hitherto peaceful state of

society.”\* They concluded by asking for a Commission of enquiry. In February, the Home Secretary, Sir G. Grey, wrote to the governor giving a similar reply to that from Governor Ready with regard to the demand of the memorialists † for popular representation, but he added: “The union of legislative and judicial functions in the House of Keys, coupled with the fact that a considerable portion of its members consist of advocates of the Manx Bar, is open to objection in principle . . . the absence of any efficient check on the levying of rates for local or municipal purposes and the alleged enactment of laws, without the opportunity being offered for the expression of any public opinion with regard to them, are grounds of complaint which seem to merit careful consideration.”\* He asked the governor to call the attention of the Keys to these points, and expressed a hope that the House would do something to remedy the grievances. The Keys, after a full consideration of this letter, replied denying that laws were passed without the knowledge of the people and that the union of legislative and judicial functions in their body was open to objection in principle. They, however, admitted that it would be better that advocates, who were members of the House of Keys, should not sit when appeals from cases in which they had been employed came before it. They referred to the fact that it was the

\* *Mona's Herald*.

† The chief leaders of the reformers were Wm. Callister, Ramsey; Wm. Kelly, Robert Fargher, and John Duff, Douglas.

Tynwald Court, not the Keys alone, which levied rates and taxes, and they pointed out that duly audited accounts of the public expenditure were deposited in the Rolls Office and were open to inspection without charge.

Nothing further of any importance as regards the question of reform took place till 1853,\* when the Secretary to the Treasury (Wilson), in discussing the proposed fiscal changes with the deputation from the Keys, hinted that, if the Keys were elected by the people, the Treasury might make financial concessions to the island, but that, otherwise, it could not do so. The two members who composed the deputation † conferred with their colleagues on their return, and went back to London bearing a resolution of the Keys agreeing to the proposed change, but they were disappointed to find that Wilson had no authority to make any such offer. In 1864, the actions of the House of Keys in refusing increased powers to the Douglas Town Commissioners and in prosecuting the proprietors of two insular newspapers for their comments thereon revived popular feeling against them.‡ These facts, together with the

In 1853 the Keys agreed to the principle of popular election.

\* In 1848, Dr. Bowring brought forward a motion concerning the grievances of the Manx people in the House of Commons, but, on Sir G. Grey promising that they should be looked into, he withdrew it.

† George William Dumbell and William Callister (see Keys' Journals in 1866).

‡ These were J. C. Fargher, of the *Mona's Herald*, and James Brown, of the *Isle of Man Times*. At the next meeting of the Keys it was resolved that the comments in these newspapers were "a contempt of the House and a breach of its privileges,"

urgent need for more money to continue the insular harbour works, made it clear to the astute Governor Loch that a change in the constitution of the House was inevitable. He, therefore, when in correspondence with the Treasury, in 1865, about revenue questions, proposed that the concessions asked for should only be granted on condition that the Keys became an elected body.\* The Keys, after some negotiations,† agreed to this, and passed a Bill, which became law on December 20, 1866, to render their House elective. In its preamble there was a declaration that it was "expedient that the present system of selecting persons to serve as members in the House of Keys should cease," and that it was desirable "to provide for the election by people of property and intelligence in this Isle of members to serve in such House, and to abolish the judicial powers of the said House of Keys." ‡ The island was consequently divided into ten electoral districts, consisting of the towns of Peel, Ramsey,

The reasons ultimately bringing about their popular election.

Electoral districts formed.

and the two proprietors above-mentioned were summoned to the bar of the House to answer for their conduct. Mr. Fargher apologized, and was pardoned, but Mr. Brown stated that he considered his comments quite justifiable. He was, consequently, condemned to six months' imprisonment, but, having appealed to the Court of Queen's Bench, he was soon set free, and afterwards awarded heavy damages for illegal imprisonment in an action at law, which he brought against the Keys. The decision was to the effect that, since the House was sitting in its legislative and not in its judicial capacity, it had no power to commit for contempt.

\* This condition is not mentioned in the printed correspondence.

† See pp. 806-8. ‡ *Statutes*, vol. iii. p. 372-421.



and Castletown, having one member each; the town of Douglas, three members; and the sheadings of Glenfaba, Michael, Ayre, Garff, Middle, and Rushen, three members each. In 1892, a further electoral district was added by dividing Douglas into two districts, the northern returning three members and the southern two members, while the sheadings of Garff and Michael were deprived of one member each.\* In 1866, the qualification of voters was that they must be males of full age, who had to be owners of real estate of the value of not less than eight pounds, or tenants paying a net annual rent of not less than twelve pounds.† By the Act of 1881 the franchise was conferred upon every person who, (1) being a male, or a spinster, or widow, is the owner of real estate within the district of the annual value of not less than £4; or, (2) being a male, is the occupier of real estate within the district of the annual value of less than £4; or, (3) being a male, occupies lodgings of the annual rental of not less than £10. By this Act female owners, not being married, were admitted to the franchise, being placed on the same footing as male owners,‡ the Manx Legislature thus taking the lead of all others in this important reform. In 1892, women (being spinsters or widows), who were occupiers of real estate worth not less than £4 annually, were also given a vote.§ The qualification of members who, in 1866,

The qualification of voters in 1866 and changes since introduced.

Qualification of members.

\* *Statutes*, vol. vi. p. 381.

† *Ibid.*, vol. iii. pp. 374-5.

‡ *Ibid.*, vol. v. pp. 95-6.

§ *Ibid.*, vol. vi. p. 381.

had to be males of full age, and owners of real estate of the value of £100, or of real estate to the annual value of £50, together with personal property of £100, was altered in 1881 so as to apply to owners of real estate of the annual value of £50, "and together therewith be also possessed of personal estate . . . actually producing the yearly income of £100, or," [as an alternative], "personal estate producing the yearly income of £150." \*

Finally, by the Act of 1892, the property qualification was done away with, so that any male of full age, not being a clergyman, could be a member.† In 1866, the powers of the Keys were defined to be those of electing their speaker, of punishing contempts committed before their House by fine and imprisonment and, by the Act of 1876, of punishing libel by a fine not exceeding £50, or by imprisonment not exceeding six months. It was also provided that "nothing in this Act contained shall affect, or in any manner be construed to affect, the inherent powers heretofore exercised by the House of Keys as a legislative body;‡ and that "after the promulgation hereof the House of Keys, and the several members thereof . . . shall . . . be entitled to and enjoy the same rights and privileges, in as full and ample a manner as the House of Keys, and the several members thereof for the time being, and persons elected to be members thereof heretofore had,

Powers and  
privileges of  
the Keys.

\* *Statutes*, vol. iii. pp. 372-421.

† *Ibid.*, vol. vi. p. 384.

‡ For the loss of their judicial authority (see pp. 826-8).

Disputed  
privileges.

exercised, and performed, and was or were entitled to and enjoyed.” \* One of these privileges, which was disputed before the Revestment, and continued to be disputed till a recent date, is their right, when once assembled, to regulate their own sittings, which was objected to on the ground that it clashed with the Governor’s prerogative of being able to summon them as often as he thought proper.† This led to collisions early in the present century between them and the then governor, the Duke of Atholl, which resulted in the Keys keeping their sittings alive by adjournment for a number of years.‡ In 1871, 1874, and 1880, difficulties on this point again arose, and, on the last occasion, the Keys made a long statement of their case, the pith of which is contained in the following sentence:—  
“ Whenever the Keys are called together under precept, whether specially for a Tynwald Court, or otherwise, they claim it as an indisputable right to adjourn their sittings from day to day, and from place to place, as may suit their own convenience ; and this right the members of the old House, as well

\* *Statutes*, vol. iii. pp. 407–8. Among these the right to try questions of the rights of members to their seats was specially reserved by the House of Keys Election Act of 1866.

† This prerogative was confirmed by Section 125 of the *House of Keys Election Act*, 1866, which enabled him to summon the House or to prorogue it, though adjourned or prorogued to a more distant day (*Statutes*, vol. iii. p. 409). He was also, by the same clause, given the power to prorogue the House, or to dismiss it and issue writs for a new election.

‡ This action of theirs does not seem to have been disputed at that time.

as those of the elected House, have not only always maintained, but have constantly exercised.” \* To this the governor replied that it had “never been his intention to question the power of the House to regulate, after reporting progress, . . . their own adjournments”; † and so the question remains.‡ Another question arose in 1879, owing to the governor having demanded the attendance of the Keys, who were in session, at a Tynwald Court, as a matter of right. The Keys denied his right to do so, in the absence of a summons under precept; but the governor has since then exercised this power, and, seeing that it is manifestly reasonable and convenient that he should be able to do so, it is not likely to be disputed in future.

The increased amount of legislation during the last forty years is strikingly shown by a reference to the six volumes of the Statutes. During the period between 1417 and 1824 all the laws passed are contained in 425 pages; between 1824 and 1863, 568 pages were required; during the governorship of Loch (1863–1882), 1,180 pages; and, during the governorship of Walpole (1882–1893), 1,046 pages. In 1865, the promulgation of the whole of the Acts

Amount of  
legislation  
during the  
past and  
present  
compared.

\* “Constitution” (*Manx Soc.*, vol. xxxi. p. 18). † *Ibid.* p. 14.

‡ It is manifest that the Keys could render the governor’s summons futile by exercising their right to regulate their sittings, because, when they assembled under precept, they could adjourn to another date. Continued obduracy, however, would, no doubt, be followed by the governor dissolving the House, and issuing writs for a new election (see note † p. 824).

in English and Manx, which had hitherto been the practice, had become very tedious on account of the number and length of the Acts. Moreover it had long since been rendered unnecessary by the increase of education among the people. It was, therefore, enacted that, in future, only the titles of the Acts, with the marginal summaries of each of their sections, and the official document signifying the Royal assent, should be read in English and Manx.\* In 1895, the more intelligible course of reading a brief *précis* of the contents of the Acts, in Manx and English, was adopted.

The Keys lose  
their judicial  
position.

Important changes have been made during this period in the judicial powers of the Keys. It would appear that, early in 1823, the Duke of Atholl had complained to the Secretary of State that the Keys had been in the habit of exceeding their powers as members of the Court of General Gaol Delivery, pointing out that, though they were supposed not to interfere with juries unless they thought they had acted mistakenly or corruptly, they had gradually taken the position of voting on every case, and therefore, since no decision of theirs was valid which was not signed by thirteen members of their body, justice was often obstructed or delayed. After making due enquiry, the Secretary of State decided that the Keys did not legally form a part of the Court, that they could not interfere with its proceedings, nor have a voice in the sentence or judgment.

\* *Statutes*, vol. iii. p. 177.



It was also decided, at the same time, that the Council, as such, could no longer sit in the Court. At the next meeting, therefore, the court sat without the council and Keys, and so, on its trying one Kelly for burglary, his advocate pleaded that the court was not legally constituted by reason of the absence of the Keys, and was, accordingly, incompetent to try the case.\* The plea was overruled, and the trial proceeded. Kelly, having been found guilty and sentenced to death, presented a petition to the king for a reversal of the sentence. The House of Keys also presented a petition to the House of Commons against their exclusion, declaring therein that they "would infinitely prefer the abolition of the present system of government to the success of the present system of encroachments, which, in preserving the mere semblance of an internal constitution, would leave it utterly inefficient to any salutary purposes."† Receiving no answer, they appealed to the Privy Council, before whom, in July, 1825, their case, with that of Kelly, was argued.‡ It was decided that, by the laws of the Isle of Man, the Keys do not form an integral and constituent part of the Court of General Gaol Delivery, and that their not having been summoned did not affect the validity of the judgment pronounced against the petitioner. In 1866, the last

\* No exception was taken to the absence of the Council.

† *Keys' Papers*, see also Pamphlet (1824) p., 15.

‡ The solicitor-general (Sir Charles Wetherall) and Mr. Clarke (the Manx attorney-general) for the Crown, and Messrs. Brougham and Alderson for the Keys.

vestige of their judicial authority—their appellate jurisdiction—was abolished.\* We will conclude our account of the Manx Legislature by referring to the chief changes which have taken place in its procedure,† whether as regards legislative or executive matters, since the Revestment.

Private bills.

The most important change in the Manx legislative system has been the introduction of private Bills which were formerly unknown. “Private legislation,” says Walpole, “follows much the same course as is pursued with public Bills. Private Bills, however, usually, though not invariably, emanate in Tynwald. A petition is presented to the Governor praying for leave to introduce the Bill; the Governor directs that the petition shall be heard in Tynwald on a certain day. The advocate promoting the petition is then called into Tynwald and heard; and the petition is usually referred to a committee to ascertain whether the standing orders of the court have been complied with, and occasionally to report on the merits of the measure. On receipt of the report, a motion is made that leave be given for the introduction of the Bill; the motion is put, and, if carried, the Governor names the branch of the Legislature in which the Bill will be taken up in the first instance.”‡ Walpole then proceeds to point out that “in nothing, perhaps, is the advantage

\* By the House of Keys Election Act, 1866. (*Statutes*, vol. iii. pp. 425–8).

† The procedure in reference to the introduction and discussion of Bills in the two branches of the Legislature is given in Appendix B.

‡ *The Land of Home Rule*, p. 271.

which the Manx enjoy from the existence of their local Legislature so conspicuous as in the case of private legislation. Bills of the utmost importance to the Island, involving perhaps the construction of a new railway, are considered at a cost which is simply trifling compared with the expense of similar legislation in England. Bills of a minor character can be carried at the cost of a few pounds; and it may safely be stated that no village in the Island, however small, would be deterred from asking for the power which it required to obtain water by compulsion, for example, from any dread of the expense which such an application might entail.”\*

As regards the modern method of dealing with financial and other questions in the Tynwald Court we again quote Walpole: “When the court meets for financial purposes, the two branches of the Legislature sit together and the Governor presides. Debate is carried on by the members of both branches. In the discussions on these subjects neither branch has any privilege over the other.”† When “divisions are taken, each branch votes separately. The Governor takes the votes of the Council, and directs the Speaker to take the votes of the Keys. The members of neither branch retire while the division is being taken, but merely answer ‘aye’ or ‘no’ when their names are successively called out. When the division is completed, the Speaker reports the result in the Keys to the Governor, who thereupon announces that ‘the Council is of the same opinion,’

Method of  
procedure in  
the Tynwald  
Court.

\* *The Land of Home Rule*, p. 272.

† *Ibid.*, p. 275.

or that the Council is of a contrary opinion, as the case may be. When the two branches concur in their opinion, the question is carried. When they differ in opinion, the question is lost, the separate concurrence of both branches being necessary for its passage." \*

The executive committees of the Tynwald Court.

The power of the Tynwald Court to delegate executive authority to its members, or others, was until 1864,† exercised solely in the selection of the Highway Board. It would appear that, since the Act of 1776 merely states that this committee should consist of five persons, without specifying from which branch of the Legislature they should be selected, its members had been invariably taken from the Keys only, and this continued till about 1835. After that date it became the practice for the Council to have one or two members on this committee, and when, at a later date, other Committees, or Boards, of the Court were constituted, such as the Asylums Board, the Harbour Board,‡ the Local Government Board, and the Council of Education, both branches were usually represented on them also. On only one occasion of late years has a difficulty arisen in appointing these Boards and that was in the case of the Lunatic Asylum Board,§ when "the Council, which was in favour of some extensive additions to the asylum, vetoed

\* *Land of Home Rule*, p. 276.

† When a Lunatic Asylum Committee was first appointed.

‡ For special position of the Harbour Board, see p. 799.

§ Since the completion of the Poor Asylum, this has been called the "Asylums Board."

the nominees of the Keys ; and the Keys, who were desirous of greater economy in building, vetoed the nominees of the Council. In the result, the Court was kept alive by adjournment, while the Houses agreed each to nominate two members for each vacancy on the Board, allowing the other House the right of vetoing one of those so nominated,"\* "It is probable," says Walpole, "that with the exercise of a little tact any similar difficulty hereafter arising may be avoided in the same way. Yet it must be acknowledged," he continues, "that, while the forms of Tynwald remain as they are the embarrassment might at any moment recur and become critical. But the highest inconvenience that would consequently result would be the protracted failure to elect an administrative board. In every other respect the machinery of government would go on as smoothly as ever."\*

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#### APPENDIX A.

##### EXTRACTS FROM THE OATHS TAKEN BY THE VARIOUS OFFICERS.

*The Governor:* "Your allegiance to the King's Majesty of Great Britain reserved; you shall swear to be true, and true faith and fidelity bear to the Right Honourable — Earl Derby, and to his heirs. You shall not reveal the secrets of this Isle, nor houses, nor garrisons therein, to any foreigner or stranger.

"You shall truly and uprightly deal between the Lord and his people, and as indifferently betwixt party and party as this staff now standeth, as far as in you lieth. You shall take the advice and consent of the rest of the Lord's Council of the said

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\* *The Land of Home Rule*, p. 277.



Isle, in all matters that concern the State and Government of the said Isle and houses. These, and all other things pertaining to the Governor of this Isle, his office and place, you shall, according to the purport and extent of your commission, and the laws of the said Isle, do and perform as far as in you lieth.

“So God you help,” &c.

The *Bishop* and *Archdeacon* swore allegiance in the same way, to be true to the Earls of Derby, and to duly perform their duties, also “to maintain and defend the ancient laws, statutes, and customs” of the Isle, and with their “best advice and counsel to be aiding and assisting to the Captain of the Isle or Governor for the time being, for furtherance of the government and benefit of the Isle.”

The *Vicars-Generals*’ oath was nearly the same, except that the words as oft as they should be “called upon or required” so to do, were added to the clause given above.

The *Comptroller*, *Clerk of the Rolls*, *Attorney-General*, and *Receiver* were sworn with their best advice and council to aid and assist the Lieutenant, Captain, and the rest of the Council, so oft as was needful, or so often as they should be called upon by them, or any of them, for the furtherance of the government.

The special duties of the *Comptroller* and *Clerk of the Rolls*, were embodied in their oaths as follows:—

“You shall not commit, or see any voluntary, or wilful waste committed by any manner of person, but you shall reveal or amend the same as it lieth in your power.

“You shall deal duly and truly, from time to time, so long as you shall, according to the trust reposed in you, execute the office of Comptroller and Clerk of the Rolls; take accounts as well of all receipts of money to be levied for the Lord within the charge of the Receiver and Water-Bailiff, together with the disbursements due to be paid, and shall see the same employed to his Lordship’s best advantage to your knowledge.

“You shall deal uprightly and truly between the said Lord and his tenants, for and concerning all matters wherein you have to deal with the said tenants for the Lord, or otherwise, without sparing the rich, or oppressing the poor, or without any other unlawful exaction, other than such as is necessary

for the use of the Lord, and safe keeping of the said Isle and houses.

“ You shall make true and just account of all the receipts of money and customs received and had by the Receiver and Water-Bailiff; as also of all payments, allowances, and disbursements out of the same, as far as it behoveth you, and as it standeth with your charge and office, as often as you shall be called upon by the Lord, his officer or officers authorised to call upon you for the making of the said accounts.”

That of the *Attorney-General* was the same as regards the first clause, his oath then continuing:—

“ You shall faithfully, justly, and truly, without favour or affection, dread or fear, envy or malice, and without respect of love or gain, kindred or friendship, consanguinity or affinity, plead and defend the said Lord his causes, in all and every thing and things whatsoever, which by the laws of this Isle are or shall grow due to the said Lord, by his right or interest here.

“ You shall see to and provide, in as much as in you lyeth or belongeth, that all forfeitures, fines, amercements, aliens’ goods, felons’ goods, wayfes, strays, wrecks at sea, flood-gates, and such like, be truly estreated and paid to the said Lord, or otherwise disposed of to his Grace’s use.

“ You shall, from time to time, at every court, plead and defend the cause of all widows, orphans, and fatherless children, and not refuse any.”

That of the *Receiver* was also the same as regards the first clause, his oath continuing:

“ You shall deal duly and truly as well in the receipts of money to be levied for the Lord’s use within your charge of the office of Receiver, as all such customes and other commodities to be paid to the said Lord, and shall employ the same to the Lord his best profit to your knowledge.

“ You shall deal uprightly, truly, and indifferently, betwixt the said Lord and his tenants, for and concerning the said receipts of the said money and customes, or any other matter wherein you have to deal with the said tenants for the said Lord or otherwise, without sparing the rich or oppressing the poor, or without any other unlawful exactions, other than such as is necessary for the use of the Lord, and the safe keeping of the said Isle and houses.

“ You shall make due and true accompts, as well of all your

receipt of moneys and customes aforesaid, as also of all payments wherein you stand charged by virtue of the said office, or wherewith you may not be charged otherwise than upon your own conscience, as need require you to be called by the Lord, or his officers authorised to call upon you for the making of the said accmpts."

The *Deemsters'* and *Water-Bailiff's* oaths, on the contrary, had no relation to any advice or assistance to the governor and Council. The former was as follows:—

"By this Book, and by the holy contents thereof, and by the wonderful works that God had miraculously wrought in heaven above, and in the earth beneath in six days and seven nights (your allegiance to the King's Majesty of Great Britain reserved), you shall bear true faith and fidelity to his Grace James Duke of Atholl and his heirs, in whom is the title of inheritance of this Isle and houses thereof.

"You shall without respect of favour or friendship, love or gain, consanguinity or affinity, envy or malice, execute the laws of this Isle justly betwixt the Lord and his people of this land, and betwixt party and party, so indifferently as the herring back-bone doth lie in the midst of the fish.

"So God you help and by the contents of this Book."

The *Water-Bailiff's* oath contained the same provision as to waste as that of the Comptroller, &c., and then proceeded:—

"You *and your deputys*, as far as in you lyeth, shall execute the office of Water-bailiff and Customer duly and truly, according to the trust reposed in you, during such time as you shall execute the same office.

"You *and your deputys*, as far as in you lyeth, shall duly and truly receive and take for the said Lord's use such custome of all men, for ingates and outgates and other customes, as is limited by the book of rates or otherwise, as upon your discretion ratably you shall receive and take the custome of all comoditys to be transported or brought in, not mentioned in the said book of rates.

"You *and your deputys*, as far as in you lyeth, shall make true and just accompt unto the said Lord, or his officers, of all such receipts as you shall receive, or ought to receive, for and in the name and behalf of the said Lord, from time to time, and as often as you shall be called upon, to the most profit, best use and advantage of the said Lord, any use, custome, or other matter to the contrary notwithstanding,

“You shall not give your consent for the transportation of any prohibited wares, forbidden to be transported by the said Lord or his Lieutenant-Captain and Counsell.

“You *and your deputys*, as far as in you lyeth, shall not conceale any wrecks, or any other commoditys due, or which ought to be due, to the said Lord, appertaining or belonging to the said office of *Water-Bailiff* or *Customer*.

“You *and your deputys*, generally as far as in you lyeth, shall do and execute all other matters and things belonging to the said office of *Water-Bailiff* and *Customer*, not herein-before mentioned, and all and every other matters and things whatsoever whereunto you shall be called, or otherwise shall come unto, or do and execute of your own accord, for the execution of justice and equity in the said office, or any other cause to the Lord's most advantage, not favouring the rich, or oppressing the poor, and all this according to the purport and extent of your commission.

“So help you God, &c.”

#### APPENDIX B.

##### GOVERNOR HORNE'S LETTER TO THE KEYS IN 1715.

“*To the Gentlemen of the Twenty-four Keys.*”

“GENTLEMEN,—It is with some uneasyness that I have observed a disobedience in some of your body to the authority of the Staff as cannot be parralleled among our Records. I did positively require you to make your return in writeing when you passed upon the Grand Jury whether they proceeded according to Law and Evidence or no, this is your duty, most of you did not only refuse this, but contrary to my particular order several times repeated, contemptuously did disperse yourselves and go home without regard to what was required, as if you were subject to no authority or rule, but such as you shall prescribe for yourselves. The effect of this is but too apparent throughout the Island by many instances of the irregularities and contempt in the common people, that has perhaps not been so much as seen here before. . . . And therefore I take this opportunity to tell you that did so, that it is contrary to your duty, and a high contempt of the authority of the Staff intrusted with me under the tenor of an oath to

support and preserve, and I think you are under the same obligation, and for this contempt I have just occasion to sett a fine upon such of you as contemned the authority placed in me by the Lord and the Lawes of this Land, and since you have not known how to make use of the liberty I formerly allowed you, I once more require your answer in writeing in the manner before menconed, and if you still persist in your disobedience I must . . . take some other methods than I have yet done, and confine you here (Castle Rushen) till you give that obedience to my order that becomes you.

“(Signed) ALEX. HORNE.”

#### APPENDIX C.

The oath taken by the Keys is recorded, for the first time, in 1710, as follows:—

“Your allegiance to the King’s Majesty of England reserved. You shall true faith and fidelity bear to the R<sup>t</sup> Hon<sup>ble</sup> William Earle of Derby and his heirs during your life. You shall be aiding and assisting to the Deemsters in all doubtful matters, the Lord’s Councill, your ffellows’ and your own you shall not reveal. You shall use your best endeavours to maintaine the antient Lawes and Customes of this Isle.

“You shall justly and truely deliver your opinion and do right in all matters which shall be put unto you, without ffavour or affection, affinity or consanguinity, love or fear, reward or gaine, or for any hope thereof; but in all things deale uprightly and justly, and wrong noe man. Soe God you help and the contents of this Book” (*Lib. Scacc.* See also “Constitution,” *Manx Soc.*, vol. xxvi. p. 169).

#### APPENDIX D.

PRINCIPAL CHANGES MADE BY THE JUDICATURE ACT (1883), THE JUDICATURE (ECCLESIASTICAL) TRANSFER ACT (1884), AND BANKRUPTCY PROCEDURE ACT (1892).

The courts existing prior to 1883, viz., the *Staff of Government*, *Chancery*, *Exchequer*, *Common Law*, *Admiralty*, and *Deemsters’* \* were united and formed into “Divisions” of the

\* Including all original and appellate jurisdiction conferred on the governor, to be exercised judicially by law or custom.



“High Court of Justice of the Isle of Man,” of which the governor is president.

Of these the “Staff of Government Division,” though presided over, as formerly, by the governor (whose consent is necessary to every judgment) and at least two of the three judges, was deprived of all its original jurisdiction, and is now solely an appellate court, hearing appeals from the other divisions of the High Court; and from the Licensing Appeal Court on questions of law.

The jurisdiction hitherto exercised by the *Exchequer Court* was assigned to the “Common Law Division,” as was also the jurisdiction of the *Admiralty Court*.\* These two courts were consequently abolished.

The practical result of these changes is that the whole of the original jurisdiction of the old courts is now exercised by the Chancery and Common Law Divisions of the High Court. Of these the Chancery Division is presided over by the Clerk of the Rolls, sitting without a jury. It is held fortnightly during the legal terms, and exercises jurisdiction over the following matters: the administration of the estates of deceased persons; the dissolution of partnerships, or the taking of partnerships or any other accounts; the raising of portions or other charges on land; the sale and distribution of the proceeds of property subject to any lien or charge; the execution of trusts, charitable or private; the rectification or setting aside or cancellation of deeds or other written instruments; the specific performance of contracts respecting real estate; the partition (otherwise than by setting quests under orders of the Common Law Division) or sale of real estate; the wardship of infants, and the care of infants’ estates; the care and custody of lunatics, idiots, and persons of unsound mind, and the care of their estates.

The Common Law Division is presided over by the two deemsters, each of whom holds a court in his own district. In this division is included (1) the jurisdiction of the Common Law Courts, in which the deemster sits with a jury of six men; (2) the jurisdiction formerly exercised by the Exchequer and Admiralty Courts; (3) the summary jurisdiction exercised without a jury;† (4) jurisdiction in testamentary matters;

\* We have already referred to the abolition of the office of the water-bailiff, who presided over this court until 1885.

† As formerly. We may mention that the deemsters hold these courts

(5) jurisdiction in bankruptcy matters; (6) the criminal jurisdiction with a jury of enquiry; \* (7) jurisdiction over refractory servants; † and (8) the reception of the verdicts of trespass and other juries." \*

## APPENDIX E.

### INTRODUCTION, DISCUSSION, AND PASSING OF BILLS.

In the *Council*, a Bill is introduced (1) by a member without previous leave, or (2) on its being sent by the Keys. In either case, on a motion being made, it is read a first time. A Bill may be rejected at its first, second, or third reading, but a Bill from the Keys is hardly ever rejected on the first reading. The Bill is read a second time, on a motion, at a subsequent meeting. If the second reading be carried, the Council, without a motion, go into committee ‡ and consider the Bill in detail, and amendments, if there be any required, are made. Sometimes a Bill is referred to a select committee, and is then considered when the report of the committee has been made. The next step is the reading of the Bill, on a motion, the third time. Further amendments may be made during the third reading.

In the *Keys*, a Bill is introduced (1) by a member who has previously received permission from the House to do so, § or (2) from the Council. In either case it is read a first time without a motion. At a subsequent date it is read a second time, on a

in their respective districts at least once a week during the legal terms. In them suits are brought for the recovery of debts exceeding the sum of £2; suits for the possession of land or houses, if brought within six months from the time when the cause of complaint arose; questions of title arising out of suits for possession; suits founded on contract, but not for damages for breach of contract.

\* As formerly.

† This jurisdiction (originally conferred in 1665, *Statutes*, vol. i. p. 120), which gave a deemster power to order a refractory servant to return to the service of his master, or in default to be imprisoned, is now practically obsolete.

‡ Of the whole Council. The consideration in committee on the same day as the second reading is sometimes objected to, and, if so, it is postponed.

§ A member gives notice that he will ask for leave to introduce a Bill at one meeting; at the next meeting he gets leave, at the third, the Bill is read a first time, and, at a subsequent date, on a motion, it is read a second time. There is no recorded instance of a member not obtaining leave to introduce a Bill.

motion, considered clause by clause and passed. The House sometimes refers a Bill to a select committee and considers it clause by clause after receiving the committee's report, but it does not, like the Council, sit in committee of the whole House.

The foregoing relates to *Public Bills*. If notices have not to be served on interested persons and witnesses have not to be examined, a *Private Bill* may be dealt with in the same way as a Public Bill. But there are few such Bills in which this is the case. By the Standing Orders of the Tynwald Court, a petition for leave to introduce a Private Bill may be made to the court, and ordered by the governor to heard at the court. Notice must be given to the persons interested, and the court may take evidence at its Bar, or refer the petition to a committee to take evidence and to report. If leave be then given to introduce the Bill, the governor directs in which branch it is to be first considered. If the Bill be taken up in the *Council*, evidence is usually given at the first reading of the Bill, either at the Bar or before a select committee. Counsel is heard on the introduction of a private Bill on behalf of the promoters and interested parties, and, during the progress of the Bill, counsel on either side is heard on any points arising either in the Council or when the Council is in committee on it. Special leave for Counsel to appear on behalf of either a promoter or an opponent of a Bill is given on a petition presented by a member.

If the Bill be taken up in the *Keys*, evidence is given and counsel are heard either at the Bar of the House at the second reading, or before a select committee. Even though counsel have been already heard before a select committee, they may also be heard and questioned by the House (if it so desires), at the Bar, on the second reading of the Bill. The method of granting leave for counsel to appear is the same as in the Council.

We will now describe the procedure when differences of opinion arise between the two branches with regard to Bills, or clauses of Bills. If it be a Bill which originated in the *Keys*, and amendments have been made by the Council, the Bill as amended is sent back by the Council to the *Keys*. The *Keys* have then either to accept or reject the amendments. In the latter case, the Bill is returned to the Council for their further consideration, and, if no agreement be arrived at, the Bill

drops.\* But in most cases before a Bill is dropped efforts are made to adjust the differences between the two branches. Formerly the whole of the Keys went to the Council Chamber for that purpose, but now either messages are sent from one branch to the other, or, more usually, the Keys send, either at their own request, or on a request from the Council, a deputation of their members† to hold a conference with the Council in its chamber.‡ These conferences, over which the governor presides, and at which there is a free discussion, are held at the request of the branch which has the possession of the Bill. The deputation report the result of this discussion to the Keys who may decide either to adhere to their previous opinion, to accept any modification of it that may have been suggested, or to agree to the Council's proposals. Sometimes an agreement is not arrived at until the deputation has visited the Council Chamber several times.

A conference may also take place in order to give one branch information or explanation about a Bill passed by the other.

It sometimes happens that, after the Bill has passed both branches, and before it is signed, it is discovered that some important provision has been omitted. In this case the Council considers the question of inserting the provision, and, if they adopt it, it is sent to the Keys for their approval. If it be approved it is inserted in the Bill.

The Bill, when passed, is signed in the Tynwald Court by a quorum of both branches (*i.e.*, the governor and two members of the Council, and thirteen members of the Keys). When this has been done it is called an "Act" and is sent to the Secretary of State for the Home Office, that it may obtain the Royal Assent. The Secretary transmits the Act to the Lord President of the Privy Council,§ who hands it to a committee of the Privy Council. The committee instruct the Attorney and Solicitor-General for England to report upon it.|| On

\* In the case of a Bill originating in the Council, the above process is reversed, Council being read for Keys.

† Five or seven, in accordance with the Standing Orders of the Keys.

‡ Walpole remarks that this conference closely resembles what used to be known as a free conference in Parliament, "and that it usually proves an efficient contrivance for reconciling differences" (*Land of Home Rule*, p. 270).

§ When the Act has relation to a Government Department, it is usually referred to that Department for observations concerning it.

|| They sometimes consider it separately, and sometimes together.

receiving the Act back from them the committee report to the Sovereign in Council their opinion as to the Act, and, if their opinion be favourable to it, they advise the Sovereign to ratify it.\* If it be ratified it is returned with the Royal Assent to the governor, who causes it to be promulgated on the Tynwald Hill, at St. John's (in the manner indicated in the text), and the Act then becomes law. On returning from the hill to the chapel, the fact of promulgation is attested by the governor's signature on behalf of the Council and by the speaker's on behalf of the Keys.

(The greater portion of this Appendix is due to Sir James Gell.)

\* Occasionally, after an Act has been sent for the Royal Assent, suggestions are made for its amendment before the assent is given, and these suggestions are transmitted to the governor, who lays them before the Legislature. Sometimes, when they have been laid before the Tynwald Court, the court has agreed to their adoption, but, otherwise, they are dealt with as amendments, made by one branch and submitted to the other, the Council first considering them. It is very rarely the case that a Manx Act has been refused the Royal Assent.



## CHAPTER II

### THE ECCLESIASTICAL CONSTITUTION

THE Ecclesiastical Constitution of the Isle of Man is, at the present day, in nearly all respects which differentiate it from the ecclesiastical constitution of England, obsolete. We, therefore, while indicating what parts of it are still in active operation, write about most of it in the past tense.

There is little definite information about it before the re-organization of the Manx Church on a post-reformation basis, which probably took place when its spiritual statutes were committed to writing.

This, as we learn from contemporary evidence,\*

\* The Ecclesiastical Records of 1610 mention the "Book of Spiritual Laws *late* delivered in by the vicars-general, (Sir William Norris and Sir William Crow)"; and, in 1680, John Harrison, vicar-general, stated to Bishop Bridgman that Sir W. Norris and Sir W. Crow had received them orally from their immediate predecessor, Sir Henry Gale, and transcribed them "at the request of John Ireland, Lieut.-Governor, on behalf of William, Earl of Derby;" and that the laws so transcribed were "owned and received as the Spiritual Laws and Customs of the Isle by the said Lieut., 2 Deemsters, and 24 Keys of the Isle under their own hands." He then proceeded to state that they were handed by Bishop Phillips to Bishop

was done about the year 1610,\* not in 1577, as stated in the Statute Book. Some idea of the constitution of the reformed Church may be most conveniently obtained from an analysis of the "spiritual laws," including those which, although, for the most part, probably administered at this period, were not ratified by the Legislature till 1667. These, together with the laws of 1610, make in all 145 "breast" laws, or judicial *dicta* recorded for the guidance of the courts.† A large portion of these laws is concerned with the clergy's powers.

The powers and privileges of the bishop, to take him first, were very considerable. As Baron ‡ of the Isle § he held his own court; he had, and has, a seat in the Council, ranking next to the governor,

Powers and  
privileges of  
the bishop,

Foster and by him to Bishop Parre; Bishop Parre then handed them to Sir John Harrison, his registrar, who handed them to his son and namesake, who gave the above evidence.

\* The laws of 1610 are to be found at pp. 40-7 in the Statute Book (vol. i.).

† See MS. in the Record Office and Knowsley Muniments <sup>1715</sup><sub>21</sub>. They were, in 1667, "revised, examined and rectified by the Legislature, *i.e.*, the Governor, Deemsters, and 24 Keys, with the assistance of the Bishop and Vicars Generall," but they are not in the Statute Book.

‡ Prior to the Reformation, the barons, all of whom, except the bishop, were heads of religious houses, are supposed to have been members of the Council, and they certainly formed part of a properly constituted Tynwald Court, "sitting beside" the king, according to the law given in 1418 (*Statutes*, vol. p. 3).

§ The bishop's oath, as Baron of the Isle, was as follows: "Ffirst before God and your Honor I doe swear and avow that from this day forward, I shall be unto you faithfull and obeydient, and faith to you bear, for the Lands, Tenements and heriditaments which I clame and hold of you within this Isle:

and he is the supreme administrator of the spiritual laws. He has the privilege of appointing two vicars-general, and he has the patronage of four of the ancient vicarages, viz., Braddan, German, Patrick, and Jurby. When he has the right to present to an incumbency, and does not do so within six months from the Easter next following the avoidance, the right of presentation falls to the Crown. If a minister commit any heinous fault, he may be suspended and proceeded against by him, with the advice of the clergy. He had his herring scout and fishing-boat tithe free, and he received the following fees: For every citation sixpence, for every "suspension" eighteenpence, and for excommunication two shillings and sixpence; "also, when any great offence is worthy excommunication, then the ordinary hath been used to take for the Excommunication, Absolucion, and receiving all such persons into the Church again ten shillings." He also received one penny for the name of each fornicator presented by the chapter-quest. For probate, his fee was, by the decision of the Commission of 1532, limited to sixpence, or, for a poor man, to twopence.

Of the  
archdeacon  
and  
vicars-general.

The archdeacon, or his official acting as his substitute, also held courts, in which, excepting the episcopal causes,\* he had the same jurisdiction as

Alsoe that I shall truly yield unto you all the Customs, Rents, and Services which of right I ought to pay for the same, and that at the dayes and hours thereof due and usuall. Soe God me help," &c. (*Lib. Placit.*, 1577).

\* For these see *Sodor and Man*, p. 102.

the bishop; \* he had, and has, a seat in the Council and had the right to his herring scout and fishing-boat without paying any tithes. The vicars-general are appointed by the bishop, and hold their offices during his tenure of the see, or during pleasure.† They are the judges of the bishop's ‡ Church courts, and are entitled to seats in the Council. Since 1846, the bishop has appointed one vicar-general § only, who presides over the sole remaining ecclesiastical court.||

Let us now consider the rights and privileges of Of the clergy. the clergy generally. The penalty for assaulting a clergyman was excommunication, and for cursing "an officer either spiritual or temporal" the offender was to be "committed immediately into St. German's prison, and not released till he first gave bonds to perform his censure, which is to wear the bridle for several market days at the several market towns for the space of an hour in the height of the market." It was provided that any difference in a matter of slander between a clergyman and a layman was to be adjudicated upon by a jury, one half of whom were clergymen and the other half laymen, also, that, when laws about spiritual concerns were enacted by the Tynwald Court, the consent of the

\* See pp. 861-3.

† During a vacancy in the see they are appointed by the governor, but his appointment expires on the see being filled up.

‡ The bishop, as a rule, does not preside in person.

§ His salary is charged on the Civil List, which is a unique arrangement.

|| See p. 866.

clergy was necessary to make them binding.\* No one is allowed to sit or bury in the chancel of any church without the consent of the rector, who is obliged to keep the chancel in repair, while the parishioners have to maintain the body of the church “within and without, with all ornaments and other necessaries.”† An important privilege was that “all instituted Parsons and Viccars of thirds or Viccars of pension, ought to have his brige and staff; that is to say, if they have a man servant that cometh to them of his own free will, he ought not to be taken from them.” On the other hand, they were severely punished for transgressing the spiritual laws. Thus, if they married any one without licence or banns, they were suspended for three years, and, if they performed a clandestine marriage, they and all present were excommunicated and committed to St. German’s prison.

Their fees.

As to their fees, rectors and vicars were allowed to choose their fishing-boats at Easter time, and their *scoutes* at herring-fishing time.‡ The mortuaries received by them were as arranged in 1532,§ it being provided that none were to be paid for those who died when less than ten years old. They also received twelve-pence “for every will and inventory, except there be a legacy left by the deceased to the minister to the value of twelve pence.”§ With regard to tithe,

\* None have been enacted since 1704.

† This is still the case.

‡ In the *Lib. Scacc.*, 1610, there is a decision that they were also to have the tithe of all new boats to the following Easter.

§ *Statutes*, vol. i. pp. 29 31.



each tenth stook of corn was taken by them, and no one was allowed to make up his stacks before the tithe stooks were taken by the parson or his proctor. "All Tyth Flax and Hemp" was ordered "to be brought to the Parish Church with the seed thereof," also the tithe butter and cheese in the months of June, July, August, and September; and all those that deposed "they have neither butter nor cheese made within any of the said monthes," were, if they had "one milk cow, to pay two pence, and out of four goats two pence." Sheep, lambs, *purrs*, (or wild swine), calves, colts, geese, eggs, hens, honey, wax, fish of all kinds, were subject to tithe, and various fantastic arrangements are to be found in the Statute Book with reference to its incidence. All trades were tithable. "All persons that are marryed and unmarried that have received the communion before," paid twopence every Easter, while those that received it for the first time paid one penny.\*

The duties of the clergy, as we learn from the churchwardens' oath,† were "to read the service of the Church on Sundays and Holy days soberly and distinctly, and in due time. To preach one sermon every Sunday (having no lawfull impediment) in such Language or Tongue as shall be to the best

Their duties.

\* They were revised in 1643 (*Statutes*, vol. i. p. 95), see pp. 857-8.

† A similar form of oath is found in the time of Lord Fairfax, but the exact form of the above was not written down till Bishop Wilson's time, though something like it was doubtless in full operation soon after the Reformation. (From a MS. in Ecclesiastical Records.)

edification of the people. To catechize the youth of the parish every Sunday in the afternoon, and to explain some part of the Church Catechism after so plain and familiar a manner as may be to the edifying of the Parishioners. To suffer none to come to the Holy Sacrament of the Lord's supper until such time as they be confirmed. . . . To visit the Sick, to marry none without Banns or Licence, nor at any time but betwixt the Hours of Eight and Twelve in the forenoon: and to live so soberly as to be a Pattern of Religion and Virtue to his whole Parish."

Functionaries  
of the clergy.

Besides the clergy, there are their functionaries, the archdeacon's official, the sumner-general, the episcopal and archidiaconal registrars, the proctors, and the sumners. The archdeacon's official, as we have seen, presided over the archdeacon's court.\* Since 1874 he has held a merely titular office so far as the public is concerned. Probably his only functions are to advise the archdeacon with respect to his duties as such and to represent him on occasions when archidiaconal duties need not be performed by the archdeacon in person. The sumner-general has still, in some cases, to take letters of administration of the estates of deceased persons, but his position as apparitor of the ecclesiastical courts has become almost a sinecure.† Though

\* He seems to have formerly been recognized as capable of being summoned to the Executive Council, but he was not a member of the Legislative Council.

† See under sumners.

appointed by the governor,\* he takes the oaths of office before the bishop or vicar-general. The episcopal registrar kept the records of the episcopal courts and made office copies of them, took depositions of witnesses, made distribution of estates when called upon by the court and reported on matters referred to him by it. The archidiaconal registrar performed similar duties for the archdeacon's court. Both these officials were done away with in 1874, and a diocesan registrar was appointed, whose duty is to keep the diocesan records.

The proctors collected the clergy's dues.† They were abolished on the passage of the Tithe Commutation Act in 1839, and a tithe agent appointed.‡

The sumners, whose duties are now confined to delivering citations from the ecclesiastical court as the sumner-general's deputies, had formerly to "call within the church with the advice of the Vicar or Curate all such things as he is requested of the Parish that is gone or lost," to "stand at the chancell door at the time of service to whip and beat all the doggs"§ and to convey offenders against the spiritual laws to gaol.

The parish clerks, who, since they were, and are, chosen by the people, are in a different category to the other functionaries, "had to ring the Bells in due time, to attend the minister (when required)

\* See p. 501.

† They were paid by getting sundry dues in kind.

‡ He is appointed by the clergy. § Churchwardens' oath.

¶ Formerly their appointment had to receive the approval of the bishop, but this has not been the case of late years.

at the visitation of the Sick, at the burial of the Dead, or baptism of Children. To raise the Psalm when required by the Minister, or else to procure it to be done to the satisfaction of the Minister." Their duties are now mainly confined to attendance at baptisms, weddings and funerals, and to repeating the responses at the church services.

Their fees.

The sumners and clerks were mainly paid in kind, the sumner receiving "for his paines and duty doing one principall cheese" from each tenant, also one choice lamb and one fleece of wool, and of the corn crop he had "a band of three lengthes of three principal cornes porcion alike paid from every husbandman." For conveying a prisoner to gaol he received fourpence.\* The clerk had the cheese tithe, the lamb, and the fleece in the same way as the rectors and vicars, also "a groate (fourpence) out of every plow," and from those "that have no plowes and keep smoak," one penny. He also received a portion of what is called "Clark's silver" at deaths, which "on the south side of the isle is elevenpence, and the head penny, of which the curate has sevenpence, the parish clark threepence, and the parson's clark twopence." On the north side of the island the amount of "Clark's silver" was fifteen pence, but it is not stated how it was divided. The clerk's corse present was at the funeral of a man twenty pence or his "apparell," and at the funeral of a women seventeen-pence. These were the fees paid by the representatives of well-to-do

\* *Statutes*, vol. i. pp. 44-5.

people; with regard to poor people, it was a matter of agreement.\*

The churchwardens, four for each parish, were, and are, elected by the people when assembled in vestry once yearly. Their duties were "to see good orders kept in the church and church-yard, their church-yard ditch to be well made, to make a true and just accompt to their parishioners four times in the yeare, to enquire of all offences committed against the Spiritual Law: as also to see all lawful injunctions read in the church, to present all those that use Witchcraft or Sorcery, Adulterers, Fornicators, Blasphemers, Drunkards and such like: also such as profane the Sabbath, that refuse to come to church to have divine service, or receive the blessed sacrament." †

Church-wardens and their duty.

At the present day their duties are practically confined to collecting the cess, or Church rate, to distributing the morning collections for the benefit of the poor, and to assisting the rector, or vicar, in maintaining the church and churchyard in good order.

Another body, now obsolete, connected with each parish and its church was the chapter-quest, consisting of four men, who were empanelled every year by the bishop or vicars-general to perform much the same duties as the churchwardens.

The chapter-quest.

Another very considerable portion of these spiritual

\* *Statutes*, vol. i. pp. 44-5. The clerk's fees are now 1s. 6d. for each burial. Some of them have small glebes.

† From their oath. For further details see *Sodor and Man*, p. 115.



Laws relating  
to criminal  
matters.

laws relates to criminal matters and, more especially, to offences against morality. The following are the more important and characteristic of them. "That such as defame the dead are to make pennance\* and to ask the kindred's forgiveness, because it is done in disgrace of all his Relations, and Publication to be made that none revive the same in Penalty of £3 to the Lord's use and forty days' imprisonment." "That if any aspersion be cast on man or woman, the slanderer is to be punished if he cannot prove the same, and the like publication to be made for the living party as for the dead." The punishment for slander against the living was usually that of wearing a bridle† at the market cross of the nearest town, or to make from one to fourteen Sundays' penance, according to the enormity of the offence, in the several parish churches. Common whores were "to be drawn after a boat in the sea during the Ordinarie's appointment." ‡

\* According to an order issued by Convocation (in the Ecclesiastical Records, dated 1623), a malicious slanderer was "to remain a Lye of Record, and do open penance . . . putting his finger on his mouth, and confessing a Lye in saying 'Tongue, thou Lyed,' and so publickly to ask the party offended forgiveness."

† Waldron says, "If any person be convicted of uttering a scandalous report, and cannot make good the assertion, instead of being fined or imprisoned, they are sentenced to stand in the market-place on a sort of scaffold erected for that purpose, with their tongue in a noose made of leather, which they call a bridle, and having been thus exposed to the view of the people for some time, on the taking off this machine they are obliged to say three times, *Tongue, thou hast lyed*" (*Manx Soc.*, vol. xi. p. 41).

‡ This punishment has often been quoted as showing the

Adulterers were usually condemned to "make seven Sundays' pennance in several parishes, and for a relapse fourteen, and adding always the number of seven as oft as they transgress, besides a fine to the Lord with imprisonment."

"Whosoever commits Fornication shall make three Sundays' pennance, and if they marry that they go from the Sheet to the Ring;" \* and, "All offenders censured to Pennance are to perform their censures and satisfy the Law before they be admitted to the Holy Communion, and to pay threepence to the minister for every day's Penance for writing certificates, and to the Sumner twopence, and if the offender bring not a sheet he is to pay the Sumner fourpence for furnishing him, and no appeal be from the Church, and none offending be privileged from censures."

If any one appealed from the spiritual judges to the "Staff of Government," he was handed back to the former for punishment if he could not prove his case.

Reputed sorcerers or witches were presented by the chapter-quest, and examined by the bishop. If he thought their conduct suspicious, he appointed a jury, and, if this jury could "bring or prove any notorious fact or crime done by them, then they were handed over to the civil authorities for trial.

great cruelty of Manx Church discipline, but it may be doubted if it was more cruel than the punishment of whipping at a cart's tail as practised in England, and it was certainly not so indecent.

\* *I.e.*, they must be married at once.

The severest punishment imposed by the Church was excommunication.\* It was only made use of in the case of hardened offenders, and, as we have already seen, of slanderers of the clergy.

Such were the laws, now fallen into disuse, under which was administered the famous discipline of the Manx Church, about which Bishop Wilson wrote: "There is nothing more commendable than the discipline of this church. . . . Offenders of all conditions, without distinction, are obliged to submit to the censures appointed by the church, whether for correction or example (commutation of penances being abolished by a late law), and they generally do it patiently. Such as do not submit (which hath hitherto been but few) are either imprisoned or excommunicated; under which sentence if they continue more than forty days, they are delivered over to the Lord of the Isle, both body and goods." †

Laws relating  
to wills.

An even larger portion of these laws was occupied with the disposition of the estates of deceased persons, especially those of intestates.‡ Thus, the Ordinary had power, in certain cases, of amending dispositions or supplying the neglects of a deceased person, where they seemed obviously contrary to natural piety. For instance, "if any make a testament and leave not sixpence legacy to their children,

\* Bishop Wilson writes, "People are never excommunicated but for crimes that will shut them out of heaven" (*Manx Soc.*, vol. xviii. p. 112).

† *Ibid.*

‡ All this jurisdiction was abolished in 1884. (See p. 866.)

unmarried, legitimately begotten," the Ordinary may make such children executors; or "if any die intestate, having no children legitimately begotten, but only base children, then the Ordinary shall make and ordain his next of kindred, both of father's and mother's side, to be lawful executors; and the base-born to be rewarded of charity, at the discretion of the Ordinary." Generally speaking, the Ordinary was allowed a large discretion in apportioning the remains of a parent's property as was best for the education and maintenance of the children.\*

The tender care of the Manx ecclesiastical law for the interests of the destitute and of children was also shown by the following: When a person died who owed money, and his debts were found to "surmount" his inventory, the lord received the first share, then the orphans, and, finally, others.†

Attendance at church was, as we have seen, ordered to be enforced by the churchwardens and chapter-quests, and it was ordained, by the thirty-first law, in 1667, "that there be a communion in the Church at least eight times in the year, . . . and all at fourteen years to receive, but first to be examined by the minister, or be presented, unless a lawfull cause appear."

"The main characteristic of the Manx ecclesias-

\* Somewhat, perhaps, like that exercised by the Court of Chancery for the benefit of infants in England.

† The English rule, under similar circumstances, favours the Crown, but makes no mention of orphans.

Main  
characteristic  
of the Manx  
ecclesiastical  
code.

tical code"\* is its prevailing supposition that "faith"\* generally prevailed, and no doubt this was actually the case till the eighteenth century. Excommunication would therefore be a horrible reality in this world, and so would the penalty of taking a false oath in the next. Accordingly we find that a great part of the evidence in many cases lay in the voluntary oaths of one or more of the parties. Thus "in a difference depending betwixt party and party, when one gives it to the other upon his oath absolutely, there shall be no further hearing of that matter in the Spiritual Court." This implies so much trust in men's oaths as to ignore all risk of collusion. Again: "When sufficient men are sworn to prize" [appraise] "children's goods, the said goods shall not be forced on them, under pretence of overrating them (for men must discharge their consciences), but the executors or overseers must take all things according to prizement"; also that "for fathering an illegitimate child the woman's oath is sufficient," though it was not sufficient to prove a promise of marriage. Upon such grounds,

Compurgation.

the Manx legislators encouraged compurgation generally, and, more especially, that solemn process of purgation which is thus described in the tenth customary law: "He that entereth his claim within a year and a day after the probate of the will and endeavouring to prove the same within the said limited time, without Bill, Bond or evidence, shall prove the same upon the grave of him or her from

\* Keble, p. 202.



whom the same was due with lawfull Compurgators, according to the ancient form, viz. lying on his Back with the Bible on his breast and his Compurgators on either side one." This swearing on the grave seems to have been prescribed in default of documentary evidence between a deceased person, his debtors and creditors.

In 1609, it was abolished by the Tynwald Court,\* but it, nevertheless, continued in vogue for nearly a century later.

The portion of these laws relating to the dues of the clergy caused a great deal of discontent; they were, therefore, in 1643, through the mediation of the 7th earl, modified as follows:—

(1) The fee of three shillings and fourpence, taken by the clergy for distributing the goods of a child under 14 years, was reduced to sixpence. (2) The parson or vicar of a parish was to have the nomination of the clerk, with the approval of the bishop, as the appointment of clerks by the lord had been complained of. This deprived the people of their ancient right of election, but it was restored by the spiritual laws of 1667. (3) The clergy having taken one shilling for making wills, and having refused to prove wills unless they were written by them, it was ordered that every man may make his own will. (4) It having been stated that the clergy had taken eight shillings as a corpse present for goods worth four pounds, and in the same proportion for other values, it was ordered that no corpse present should be taken

\* *Statutes*, vol. i. p. 72.

when goods were under the value of six pounds twelve shillings and fourpence, when of that value and under the value of twenty pounds, the corpse present was to be twenty pence, when under forty pounds, three shillings and fourpence, when forty pounds and above, six shillings and fourpence; and, moreover, only housekeepers and masters were to pay any corbes. (5) Tithe butter and cheese were to be done away with, but, in lieu thereof, payment was to be made on cows, sheep, and goats. The proctors for collecting the harvest tithe were to be named at an earlier date, since farmers had suffered from their non-arrival by their crops wasting in the fields. The clergy were not to be allowed to demand "their small tythes and offering money" on Easter Sunday, because "an undecent and irreverent use" had sprung up of their demanding these dues "at the time the people are to receive the Communion;" indeed it was stated that they sometimes stopped the people "from receiving the blessed sacrament, because they have not paid their duties." It was therefore enacted that they should receive these dues on Monday or Tuesday in Easter Week; also, it having been complained that orphans' goods and debts had not been sufficiently secured by the spiritual court, it was ordered that, if the bishop or his officers did not take sufficient security, they were to make the loss good. These laws were assented to by the Keys, and certain representatives from the parishes.\*

\* *Statutes*, vol. i. pp. 92-99.

There were no further modifications of these laws till 1685, when some new regulations as to the duties of ministers and churchwardens were made at Convocation.\* Then, in 1704, came the Ecclesiastical "Constitutions" of Bishop Wilson, which may be briefly summarized as follows:—

"Constitutions" of 1704.

1. No one to be confirmed unless properly instructed.

2. Or to be admitted to the Holy Sacrament till confirmed.

3. No one to be Godfather or Godmother or to be married without receiving the Holy Sacrament.

4. Unconfirmed children and servants to attend evening prayers so as to be instructed previous to confirmation, under penalty of a fine to be imposed on their parents or masters.

5. No one having incurred the censures of the Church and having done penance to be admitted to penance again unless the Church be fully satisfied of his, or her, repentance. If he, or she, does not satisfy the minister or churchwardens of this, the Church shall proceed to excommunication.

6. No one living a disorderly life to be admitted to the Holy Sacrament.

7. No money to be received on the Lord's day, under penalty of censure.

8. Commutation, or money payment in lieu of penance, to be abolished.

9. Children to be sent to school. Parents neglecting to send them to be fined.

\* These were not confirmed by the Tynwald Court, and were, therefore, not binding on the laity.

10. Salaries of schoolmasters to be increased.

11. Poor children to be taught gratuitously.

12. Poor people may keep their children at home some weeks during the summer, provided that they send them to church every third Sunday at least, one hour before evening service, to be taught there.

13. Names of persons absenting themselves from church to be entered.

14. Convocation to be held on Thursday in Whitsun week every year.\* This alone of all the "Constitutions" is still acted upon.

With the exception of articles 10–12, relating to education,† which were new, there was nothing contained in these constitutions which had not had legal sanction before. As regards articles 5 and 8, which relate more especially to discipline, the former put an end to the lax practice of admitting obdurate offenders more than once to penance, without resorting to a severer punishment, and the latter confirmed the prohibition of commutation, enjoined by Act of Tynwald in 1691.‡ The constitutions were considered "very reasonable, just and necessary" § by the Tynwald Court, and were consequently confirmed by it. In 1736, the same authority abolished the practices of compulsory compurgation and of delivering over persons excommunicated in the spiritual courts, body and goods, to the Lord of

\* For "Constitutions" in full see *Statutes*, vol. i. pp. 155–9.

† Education had already been made compulsory by order of the 8th earl, in 1672. (See p. 472.)

‡ Not in Statute Book. (See p. 472.)

§ *Statutes*, vol. i. p. 159.

the Isle.\* Voluntary compurgation, however, was allowed, and excommunicated persons were imprisoned for three months. From this time, as we have seen, the spiritual laws were not so generally enforced, and, by the beginning of the present century, they had become practically obsolete.

Having thus briefly summarized the more important of the ecclesiastical laws, let us now enquire into the constitution of the courts which administered them.

There were three classes of Church Courts, in which the bishop presided either in person or by deputy.†

Three classes  
of Church  
Courts.

First, the Summary Court, in which the proceedings were almost entirely *vivâ voce*. During the summer half of the year, *i.e.*, from St. Mark's day to St. Simon and St. Jude's, it was presided over by one of the vicars-general, and during the winter half by the archdeacon or his official. It also granted letters of administration for all intestates, in unopposed cases; it gave sentence on claims by way of legacy or debt,‡ and on all other matters relating to the goods of the deceased; and also concerning tithes§ and other Church dues.

Summary  
Courts.

\* *Statutes*, vol. i. p. 222.

† The following information is taken partly from Keble's *Life of Bishop Wilson*, partly from "The Constitution of the Isle of Man" (*Manx Soc.*, vol. xxxi.), and partly from a minute of Sir James Gell's in 1876. (*Ibid.* vol. xxix. pp. 25-50).

‡ Suits for the recovery of debts and moneys seem to have been its chief business. It is very difficult to draw an exact line between the jurisdictions of these courts.

§ By the Exchequer Court Act in 1777, the "determining the



Chapter  
Court.

Second, the Chapter Court, to the cognizance of which all immoralities and other violations of discipline within each parish were presented by the ministers and churchwardens and chapter-quests, who held a sort of inquest every third week with regard to the cases which they should present. The Chapter Courts were held in circuit by the vicars-general and archdeacon's official twice a year in each of the six sheadings. Their business, besides the trying of the disciplinary causes, which, in most cases, were disposed of summarily, was the admission of churchwardens and chapter-quests, the granting probate of wills, and administration of the estates of intestates. If disciplinary causes and matters relating to wills and administrations in the bishop's jurisdiction were not disposed of summarily, the case was remitted to the third court, the Consistory Court, which was the highest of the ecclesiastical courts. To it appeals lay in all the cases above mentioned, and besides them, it dealt with certain cases which were reserved as episcopal causes.\* It also had a general jurisdiction in all matters of ecclesiastical cognizance. The proceedings in it were entirely documentary, sometimes by written plea or answer, but generally by evidence committed to writing. In some cases, *e.g.*, where sentence of deprivation on a clergyman was to be pronounced,

Consistory  
Court.

right of tithes" was declared to be properly cognizable in the Court of Exchequer, the jurisdiction of the Ecclesiastical Court being then confined to enforcing the payment of them (*Statutes*, vol. i. p. 322).

\* *Sodor and Man*, p. 102.

the bishop's personal presence was required, in others, his virtual presence by his vicars-general was sufficient.\*

As to the working of these ecclesiastical courts generally, Bishop Wilson comments: "In matters spiritual, it is easy to observe very many footsteps of primitive discipline and integrity; offenders are neither overlooked nor treated with imperiousness; if they suffer for their crimes, it is rarely in their purses, unless they are very obstinate, and relapse into their former or other great offences. As for civil offences that come before these courts, they are soon dispatched, and almost without any charge."†

Bishop  
Wilson's  
opinion of the  
ecclesiastical  
courts.

The ecclesiastical courts acquired more extensive powers in Man than in England,‡ inasmuch as it not only belonged to them to determine the validity of wills, and to grant administrations, but to sustain all causes respecting them, or concerning the legacies or the debts of the deceased, within one year and a day from the probate of the will, or granting of administration; § and likewise all suits against executors

They had  
greater power  
in Man than in  
England.

\* The bishop and the other barons held courts for their baronies. As their constitution is similar to that of the civil courts, they are discussed in Ch. I. pp. 755-6.

† *Manx Soc.*, vol. xviii. p. 117.

‡ "The ecclesiastical law of the island is in many respects different from that of England; and the ecclesiastical courts of the island have a jurisdiction in temporal matters much more extensive than that which was exercised by the English ecclesiastical courts, at any rate since the Reformation" (Sir James Gell, in "Church Notes" (*Manx Soc.*, vol. xxix. p. 36). This was written before the changes in 1884.

§ And within three years for foreign debts.

and administrators, as such, at any time within two years from the cause of action. They also for divers offences, besides inflicting Church censures, detained the offenders in the ecclesiastical prison, which was a subterraneous vault in the Castle of Peel, in order, after an examination of a jury of six (whom they were authorized to impanel), to be delivered, if judged necessary, for further trial and punishment, to the temporal power; and not only did they commit to their dungeon for the purpose of such detention, but confinement there was sometimes ordered, by their definitive sentence, in affairs merely spiritual.

The staff by which these laws were administered consisted of the archdeacon, nominated by the lord, and the two vicars-general, the diocesan registrar, the archidiaconal registrar, and the sumner-general, whose special duties we have already referred to.

We have already seen that some of these officers had a share in the civil government of the island. In 1842, Bishop Short referred to the constitution of the Manx Church and its courts as follows: "It seemed to resemble what an English diocese was before the days of Charles I. There were no visitations, but the bishop held an annual Convocation, which could enact canons binding on the clergy *in foro conscientiae*, but not *in foro legali*, till they were confirmed by an Act of Tynwald. But as there was no expense and little difficulty in passing an Act of Tynwald, there would have been no practical hindrance to altering any of the local constitutions of

Bishop Short's  
account of the  
Manx Church.

the Church. There was a great deal of parochial discipline still kept in the island.\* The ecclesiastical courts not only regulated those subjects which are brought before them in England, as marriages and wills, but the administration of the property of the deceased belonged to them for a year and a day. In addition to this, as there were no poor-laws, the whole provision for the poor was in the hands of the churchwardens, as it was in England before the Act of Elizabeth.† A collection was made in church every Sunday, and the proceeds of this were administered by them. When a poor person had relations able to support him, and who neglected to do so, these were brought before the ecclesiastical court as neglecting a Christian duty, and the court settled what allowance they should make. Such cases were of frequent occurrence, and I never knew the right of the poor relation denied, whatever excuse they might plead for themselves. The temporal court used to support the ecclesiastical by allowing persons condemned by it to be sent to gaol; and if they would not go with the summoner, the governor was asked to lend his assistance, and always did so; but I believe this practice has now been stopped.”‡

Since then the jurisdiction of the ecclesiastical courts has almost disappeared. The first change was the transference, by the *Ecclesiastical Courts*

Changes since  
Bishop Short's  
time.

\* See note † p. 659.

† This still continues to be so as regards most of the country districts and the town of Peel (see 690-1).

‡ Short's *History of the Church of England*, Introduction, pp. lxiv-lxv.

*Act*, of the jurisdiction of the archdeacon's court to the episcopal court in 1874.\* In 1884, by the *Ecclesiastical Judicature Transfer Act*,† probate and other jurisdiction as to the estates of deceaseds, and all jurisdiction in matrimonial matters, was transferred from the ecclesiastical to the temporal courts, district probate sessions being substituted for the chapter courts. The jurisdiction that now remains to the only ecclesiastical court, which is presided over by the vicar-general, as representing the bishop, is mainly concerning affiliation questions, the swearing in of churchwardens, and the granting faculties.

Among other changes, we may note that, by the *Church Act* of 1880,‡ four rural deaneries were established, and commissioners were constituted as trustees of endowments for Church purposes. This Act was further amended in 1895, when a cathedral chapter, with four canons, was constituted under the name of the "Dean and Chapter of Man," the bishop being the dean of the cathedral church.

Convocation still meets on the Thursday after Whit-Sunday, and we may note that its power of making canons, though not exercised since 1704, has never been abrogated, so far affording a token that the Manx Church is a separate National Church §

\* Authority is left to the archdeacon "with reference to visitations, or," what is judiciously styled "the performance of other duties pertaining by the laws ecclesiastical to the office of Archdeacon" (*Statutes*, vol. iv. p. 329).

† *Ibid.*, vol. v. pp. 352-73.

‡ *Ibid.*, pp. 58-76.

§ As proofs of this see Bishop Wilson's special prayers



governed by its own laws,\* which, however, must be approved by the insular Legislature.†

(*Sodor and Man*, pp. 226-7), and note that special prayers for the insular Legislature in 1889, and with reference to the war in South Africa, in 1900, were put forth by Bishops Bardsley and Straton respectively.

\* It should be noted, however, that canons passed by the Convocation at York are binding on the Manx clergy.

† Sir James Gell has shown in "Church Notes" (*Manx Soc.*, vol. xxix. pp. 40-1) "that the Insular Legislature has hitherto exercised full control over the temporalities of the Bishop and Clergy within the Isle, and jurisdiction as to the regulation of . . . the external affairs of the Church in the Isle of Man."



## BOOK VII

*THE LAND QUESTION AND ITS SETTLE-  
MENT*



## THE LAND QUESTION AND ITS SETTLEMENT

WE have already indicated the ways in which land in the Isle of Man was probably, for the most part, divided as late as about the end of the sixteenth century, and have endeavoured to describe the tenure upon which it had been held up to the accession of the Stanleys in 1405. At that date, except for some spiritual baronies, it would seem to have been the lord's demesne, and the grant by King Henry IV. to Sir John Stanley, in 1406, left it in the same position, since it constituted him the superior lord of the island, the greater part of which was held by his immediate tenants. Another part was freehold, and was held by the bishop, the Abbot of Rushen, and other barons,\* by fealty, while the

Rights of the  
Stanleys under  
Henry IV.'s  
grant.

\* *I.e.*, the abbey lands of Rushen, Malew, Braddan, Lonan, and Lezayre. The baronies of St. Trinian's in Marown, of Bangor and Sabhal in Patrick, of the bishop in Marown, Braddan, Patrick, Ballaugh, Michael and Jurby (the bishop's demesne was in Ballaugh and Michael, and his baronies in the other parishes), of St. Bees in Maughold and the "Staff Lands" in the same parish. The Abbot of Rushen, the Prior of Douglas, the bishop and the other barons were mesne lords whose tenants rendered them similar payments and services to those which the lord received from his tenants.



remainder consisted of the castles and unrented, or waste, lands. When the monastery of Rushen and the priory of Douglas were dissolved, their lands were vested in the Crown. In 1609, \* the Crown transferred them to the Stanleys, who, at some unknown period, had also obtained possession of the other baronies, except those of the bishop, of St. Bees, which fell into the hands of the Christians of Milntown, and of the "Staff Lands." † The Revesting Act made no difference in the position of the Atholls with regard to the land, their manorial rights over which they sold, in 1826, ‡ to the Crown. In 1860, by the "Disafforesting Act," § a part of the waste, or demesne, lands thus acquired was sold, || another part being allotted to the Crown and the rest to the owners of customary lands in lieu of rights of common. Such being the various changes which have taken place, the different classes of estates in the Isle of Man at the present day are:—

The Crown purchased these rights in 1826.

Different classes of estates at the present day.

(1) The ancient customary estates, including the abbey lands and baronies, excepting

(2) The bishop's barony and demesne, the barony of St. Bees, and the "Staff Lands."

(3) The waste lands called "The Forest," operated upon by the "Disafforesting Act" of 1860.

\* Act of 7 James I.

† Probably formerly subject to the customary service of caring for the pastoral staff of the Saint (Maughold) to whom the parish church was dedicated and of producing it for processions when required.

‡ By 6 Geo. IV. c. 34. The purchase was not complete till 1829. § *Statutes*, vol. iii. pp. 78-89. || To pay expenses.

(4) Estates created out of the estates of the Crown by freehold grants from the Commissioners of Woods and Forests.

(5) Lands (not included in "The Forest") still in the hands of the Crown.\*

The estates in the first two classes are divided into (1) farm-lands or quarter-lands,† which are the principal estates of the country, and average from 40 to 150 acres in size; (2) mills, &c.; (3) cottages, *i.e.*, plots of land in towns and villages and a few small plots in the country adjoining quarter-lands. Intacks, or parts of the forest or common and other waste lands, which, from time to time, have been licensed by the lord or his officers to be enclosed, ‡ form a further division in the lord's lands, but not in the abbey lands and baronies. In considering the nature of the tenure upon which these estates were and are held, it is only necessary to refer to the first two classes, since they cover much the largest part of the island. What the tenure was in

\* *Manx Law Tenures*, by Richard Sherwood (late deemster), pp. 5-6. For an interesting account of the tenure of the baronies and the "Staff Lands" see *ibid.* pp. 2 and 14-17.

† It is not known when the title "quarter," or fourth part of a *treen*, was first used instead of *treen*, as the alternative name for a *balla* or farm-land. In 1593 the term "quarter of land" is used, and, in 1645, "Farm-Lands or Quarter Lands." (See *Statutes*, vol. i. pp. 64, 100.)

‡ This power, says Sherwood (*Manx Soc.* vol. xxxi. p. 53, note 46), is expressly referred to in the Statute of 1422 (*Statutes*, vol. i. p. 14), by the expression "setting of lands," and nearly all the intacks of the island have their titles founded on it.

the fifteenth century may be indicated by describing the way in which the lord probably arranged for the cultivation of the land at that epoch. In England, during that century, the manors were cultivated, either by the unpaid labour of villeins, who, in return, had a portion of them for their own use free of rent, or by the paid services of labourers who were practically, though not nominally, free. Each labourer probably had a cottage, with a small piece of land attached, for which he paid a money rent.

The nature of  
the service of  
Manx villeins  
and cotters.

In Man, the lord does not, in the Stanleys' time, seem to have cultivated any part of his demesne, except occasionally, when he failed to get tenants. The Manx villeins, therefore, did their services by paying certain customary dues in kind, such as corn, cattle, turf, and fish, which were appropriated to the maintenance of the garrisons \* of the insular castles as well as of the lord's household both in Man and England; by doing a certain number of days' labour † in each year in repairing the castles and highroads; and, in the third place, after 1511 at least, by paying a fixed rent, the amount of which was estimated in money, though it seems to have been usually paid half in money and half in kind. ‡

Those whose holdings were very small were called

\* *Statutes*, vol. i. p. 62.

† See under "Revenue," pp. 318-21.

‡ Rolls Office (Loose Papers). Replies to queries by Lord Derby in 1705. Between 1601 and 1608 it was paid in money only.

cotters,\* and performed similar services, though less in amount. They were mainly settled on the "Abbey Lands," and, doubtless, till the dissolution of Rushen Abbey, † most of their time was employed in cultivating the abbey estates, while the cotters who were on the lord's land appear to have supplied all the labour that was required by the tenants, since it is probable that there was no landless labouring class ‡ till after the monks disappeared. In return for these services, and the rent, the tenants occupied their lands for as long as the lord chose. They were, in fact, tenants-at-will. But this base tenure must in practice have been much less oppressive than it was in theory, on account of the difficulty in getting tenants, of which there is evidence in the laws prohibiting any one leaving the island without licence, compelling the tenants to occupy and manure their land, and ensuring them a supply of labourers. § It must be remembered, too, that though, according to the Statute Book in 1422, the land was re-allotted to the tenants annually, this meant very little more than the interchange of

Causes  
modifying  
their tenure,

\* The name "cotter" would lead us to infer that they were originally the same as the *cotarii* of the English Records, a class inferior to the villeins.

† The abbey lands were held on similar conditions, except that a large proportion of them seem to have been cultivated by the cotters for the monks direct, instead of for the tenants.

‡ Under the joint-tenancy system (see p. 52) this would naturally be the case.

§ So that the lord's lands should "not fall to decay" (*Statutes*, vol. i. pp. 5, 14, 51, and 55).

|| *Ibid.*, vol. i. p. 14.

the different parts of the *treens* between very much the same joint-tenants,\* as is shown by the long-continued recurrence of the same names in the manorial books.† Such being the state of affairs, the tenure-at-will speedily developed into a sort of copyhold tenure, called the “tenure of the straw,”‡ because, when any tenant “had seized his lands into the lord’s hands or else had alienated the same unto any other person, he was to come into the [manorial] court and make resignation thereof by delivering of a straw and thereupon a record was to be entered of the same which was all the assurance the succeeding tenant had of the estate in nature of a copyhold which was also held sufficient evidence to his holding without any other escript.”§ The earliest

Which developed into a copyhold called the tenure of the straw.

An entry on the court rolls ensured its validity.

\* For evidence of the existence of this form of tenancy see pp. 52–4. The introduction of leases at the end of the sixteenth century and the partial payment of rents in money instead of in kind, which became usual at the same time, would probably tend to bring it to an end.

† In connexion with the same farms.

‡ *Statutes*, vol. i. p. 51.

§ *Lib. Scacc.*, 1636. “Like most of the tenant right and copyhold estates in England, the ancient Manx tenure was not in form originally a fee-simple interest. From the earliest of the manorial records now existing in the island, it is manifest that the tenure was, as to its form, a leasehold interest . . . notwithstanding the form of the holding, the custom of the country as recognized by customary laws and decisions of the Courts construed the tenure to be in effect an estate of inheritance descendable from ancestor to heir, and as such the estates were held from generation to generation” (*Manx Law Tenures*, pp. 7–8). An estate analogous to a fee-simple estate had in fact been evolved out of a perpetually renewable lease, until at last the very form of holding by lease disappeared.



surviving records of this kind, or court rolls, which were compiled in the Manorial or Sheading Courts,\* date from 1511, for the south of the island, and from 1515, for the north. In these are inscribed the names of the tenants of each *treen*, together with the amount of rent payable by them.†

The tenants, then, held their lands by admission and entry ‡ upon these Rolls, and, as time went on, they obtained a fixed tenure. Indeed, we find that they gradually began to consider their estates as their own, and to sell and exchange them without any licence from the lord. This custom, which probably became established owing to the negligence of the governors, in the absence of the lord, was temporarily stopped, in 1582, by an ordinance that lands were not to be alienated except by the lord's licence, issued by the Council, without the consent of the Keys; § and, in 1593, a blow was struck at the straw tenure by Earl Ferdinando's order that, "If any person shall pretend title to any farme, houses or ground . . . and do not exhibit his bill in writing for the same . . . whereby it may be entered of Record within the space of twenty-one years next after he or his ancestors have been dispossessed thereof, that then he or his successors claiming after him to be utterly excluded and barred from making any title thereunto for ever." ||

The tenants began to consider the estates their own.

\* For a description of these courts see pp. 752-3.

† For dues in kind payable by them see pp. 874 and 318-21.

‡ Appendix A.

§ *Statutes*, vol. i. p. 58.

|| *Ibid.*, vol. i. p. 62.

Another change was initiated in 1601, when there was a "great death of cattle and horses,"\* so that the inhabitants were "not able as before to pay their usual customes of corne victual and fyer unto the garri- sons of the said Isle the Countrey not having pro- vision for beeives nor yet horses for carriage of ther turffe and linge as heartofore."\* It was, therefore, arranged that, instead of these customs, they were "thensforth to paie yearly for their usual quarters of customarye land a duble rent in money," and only half the usual amount of "settinge corne."\* This arrangement, however, only continued till 1608, when the exact amount payable by each parish in lieu of the customs to the castles was fixed by the Commission held by Richard Hoper,† and from that time the customs were paid either in kind or in money, at the option of the tenants.

Some years before this, probably partly in conse- quence of the ordinance of 1582, the practice of taking leases for three lives, or even shorter periods, became more general,‡ though there are a few

\* *Rotul. and Manx Note Book*, vol. i. pp. 61-4.

† See p. 319.

‡ There are several instances of this in the manorial books. Thus, in 1613, "Henry Clarke and his fellows" paid rent for the quarter of ground "for which they had before paid a bene- volence and now betake themselves to hold by lease." "Wm. Norris, Clerk, one of the Vicars-General of the Isle," took the parcel of land near Douglas, called "Kyrmyrn's Ground," for "the term of 6 years to begin at Michaelmas next, 1610," at a rent of £8 6s. 8d., and "to pay for a fine at the Feast of All Saints next coming the sum of £8 6s. 8d." (*Lib. Vast.*). Some particulars about leases at this time are to be found in a valuation made by Ellis and Hoper in 1608, and in "a Book

instances of leases having been taken as early as 1542.\*

But, in 1609, the ordinance of 1582 seems to have been practically cancelled by James I., who, by letters patent under the great seal of England,† confirmed the rights of the inhabitants to sell or transfer any of their estates, real or personal, at pleasure, and declared that any law or custom permitting the free alienation of their properties should remain in full force.‡ Leases, notwithstanding, continued to increase in numbers, which shows that some of the tenants at least had no fear that the acceptance of them would affect the nature of their holdings. Some, however, who were more cautious, declined to make any change, and others arranged to get rid of the leases which they had previously signed by

containing the particular grants of the leases from Michaelmas, 1610 . . . made by John Ireland Lieutenant of the Isle and Richard Hoper by virtue of a commission to them in that behalf directed by the Right Honoble. Robt Earle of Salisbury and Treasurer of England and Thos Earle of Suffolk and Chamberlain of His Majesty's household interested in the State of the Isle by His Highnesses Letters Patent bearing date the 1st day of July 1610" (Knowsley Muniments,  $\frac{1715}{5}$ ).

\* In a book in the Records, dated 1609, and entitled "a Breefe Collection of all such Leases within the Isle of Man as have been formerly granted by some of the Earls of Derby to the Inhabitants thereof, with their several dates, what acres they do contain, what rents are vested, what estates are in being," &c., we find that there had been thirty-nine leases taken for three lives, twenty of which had expired by 1609. The earliest of these leases dates from 1542, and the latest from 1592, but twenty-six of them are dated between 1582 and 1592.

† Appendix D.

‡ "Rot. Pat." (*Manx Soc.*, vol. ix. pp. 122-5. See Appendix B).

paying a fine to the lord for permission "to hould by the straw."\*

In 1630, Lord Strange endeavoured to put an end to this anomalous state of things by sending over commissioners to arrange leases in lieu of the straw tenure throughout the island. They, however, accomplished very little,† because most of the tenants refused to give up their ancient tenure, which Lord Strange writes of as "a certain holding . . . whereby men think their dwellings are their own ancient inheritances, and [that they] may pass the same to any, and dispose thereof without license of the Lord, but paying him a bare small rent, like unto a fee-farm in England;" but he adds, significantly, "wherein they are much deceived."‡ On his arrival in the island, in 1643, he appointed a Commission of four of his principal officers to arrange the question of the tenure, and he authorized them to offer (in a way which savoured of coercion)§ leases for three lives, or twenty-one years to those who still held "by the straw," on condition of their paying fines|| and a double rent, in return for which they were to receive certain remissions|| not made in previous leases. In 1645, this arrangement was

\* See *Lib. Vast.*, 1610, where arrangements of this kind were made by "Ewan Christian, Deemster," and others, with Edward Rigby, commissioner.

† We know this from the Records (*Lib. Scacc.*), and Lord Strange remarked that they were "ill chosen," and had "merry times and bad reckonings." Derby (*Manx Soc.*, vol. iii. pp. 41, 43.)

‡ *Ibid.*, vol. iii. p. 47.

§ Appendix C.

|| We shall refer to these more particularly later.

sanctioned by Act of Tynwald, with a proviso saving the rights of inheritance and partial ownership to the tenants, "according to the antient and usuall customary lawes of the island." \* By the same Act alienation without the consent of the lord was declared illegal, notwithstanding the order of King James to the contrary, in 1609, but, as we shall see, constant difficulties arose in enforcing this law.

The method of inheritance of lands settled.

With reference to these rights of inheritance it was then placed on record that, in conformity with the customary laws, the quarter-lands, &c., descended to the eldest son, or, in default, to the eldest daughter, "and in default of such to the next of kindred and to no other child or children, person or persons whatsoever, except it be by gift, grant, or assignment in case of poverty." † At the same time, the lord's interests were carefully provided for by giving him, in addition to the power of forfeiture, which he previously possessed, the "right to comitt the bodies or take the pawnes of such person or persons as shall be behind with their rents." ‡

In 1647, the order of 1593 making the limitation of claims to lands twenty-one years was confirmed by Act of Tynwald, and the clause in the Act of 1637 making it five years was repealed. § We now return to the question of the leases. A recent writer considers that "the granting of these leases was a considerable benefit to the tenants, as, in considera-

\* *Statutes*, vol. i. p. 100.

† *Ibid.*, vol. i. p. 100. (See Appendix D.)

‡ *Ibid.*, vol. i. p. 101.

§ *Ibid.*, vol. i. p. 104.



tion of the double rent, they got rid of several heavy customary burdens, amongst others the delivery of a beef annually to the Castles from each quarter-land, and the Lord's right of pre-emption or being victualled at a certain price, and also payment of benevolences." \* As far as the release from these burdens is concerned, these leases were certainly more advantageous to the tenants than those entered into by them before 1643; and we find that the tenants, tempted by this, alarmed by the allegation that, under the tenure of the straw, "they were but tenants at will, and might be put out at the pleasure of the lord," † and persuaded that, by taking these leases, "both they, their wives, and children, were sure of the same during any of their lives," ‡ became leaseholders in considerable numbers. § This is the explanation of their action given by a contemporary observer, but there is no doubt some force also in Deemster Sherwood's contention that the tenants believed that the leases "did not affect the nature of their holdings," and that such leases "were in effect lettings of the customary burdens at fixed rents in money." § Another inducement to the tenants to become leaseholders was afforded by the action of certain of the lord's officers, who took leases by his orders. The first hint that the new position of the tenants was not a secure one came in 1650, when

\* *Manx Law Tenures*, p. 8.

† Appendix C.

‡ The amount (£2,869) paid by them in fines is sufficient evidence of this. The abbey tenants did not take these leases till 1666, when they were practically forced to do so (*Statutes*, vol. i. p. 163).

§ *Manx Law Tenures*, pp. 8-9.

certain officers who had formerly taken leases received their lands “*for ever* under and upon the rent, services, duties, and cutomes heretofore usual,” upon the condition that in the future they should be “liable and bound for their holdings under such conditions as may be agreed upon by the Earl and his heirs and the people of the Isle.”\* An Act of Tynwald was passed to confirm this grant.† A further step was taken in the following year, when some of the officers were allowed to revert to the straw tenure;‡ during Lord Fairfax’s time also several compositions were paid for this privilege.§

No wonder, then, that the tenants began to perceive that they had been deceived. They had,

\* Mills (*Statutes*, pp. 505–6).

† This Act is only given by Mills, not by Gill. It is signed by “John Greenhalghe, Will Christian, John Christian, Robt. Calcote” (members of the Council) and nineteen “Keys.”

‡ A notable case was that of Richard Stevenson, whose estates of Balladoole, Scarlett, and the Calf Island were, in 1654, granted to him by the Countess of Derby “to hould to him, his heirs and assigns according to ancient custom and holding by tenant right in this Isle called ‘the tenure of the straw’ for ever” (*Lib. Scacc.*).

§ The following is a specimen of these:—

“Anno 1660. At Castletown. Composiōnes made the viii<sup>th</sup> of March 1660

Straw tenor Whether that was not in lease before an- tiently 19th July 1659. Received this the said day and yeare	}	John Quayle for iiij <sup>s</sup> rent parcell of the quarter of Ballaknickle to hould by tenor of the straw payd now for the consideraçon	}	ijs to be paid at Michael- mas next
--	---	---	---	---

Received this ijs fyne from John Quayle ”

(Loose Papers. Rolls Office).

Uncertainty of  
the tenure.

in fact, by accepting the leases, lost their customary right of inheritance, and the lord, after the Restoration, lost no time in disputing the permanency of their holding. "The consequence of this was general dissatisfaction and constant disputes, and an almost open rebellion against the authority of the lord."\* The first case in which this state of affairs came to a definite issue was that of John Lace, who claimed the estate of Hango Hill, of which he seems to have been dispossessed by the late earl. This case was, in 1666, referred to the Keys, who decided that Lace was entitled to continue to hold the land, which he had re-occupied after 1651, or to receive compensation † for having been again deprived of it in 1664, when it was granted to Bishop Barrow.‡ Earl Charles was much annoyed by this decision, and told the Keys that he would have "no more of these kind of practises," § and that, if they persisted in such conduct, he would express his dislike in a way which he was sure would not be "pleasing" § to them. The Keys, or a majority of them, continued obdurate, and refused to subscribe a paper wherein it was stated that John Lace's title was not established. The earl thereupon wrote: "Having too great an evidence of the unquiet and factious humour that rules in severall of my 24 Keys . . . and finding

\* *Manx Law Tenures*, p. 10.

† *Lib. Scacc.* He claimed £60.

‡ *Ibid.* In making their report the Keys quoted a promise of the late earl alleged to have been as follows: "That at his Departure out of the Isle when his Honor was restored to his own that the said Lace should have his Lands again." § *Ibid.*

they endeavour to establish a right to their Farms in themselves not only to the overthrow of my just dues and prerogatives in the Island, while they challenge an unlimited title to their own tenements beyond the term of their leases . . . it is my will and comand to all my officers that the estates of the foresaid persons be att the expiration of their leases seized upon for my use and none of them be admitted to compound for their estates without speciall licence obtained under my hand . . . and I also require that the foresaid psons shall be put out of all places of office and comand in the Island.” \* This threat frightened the Keys, who signed a certificate stating that the grant to Bishop Barrow was effectual as against the title set up by John Lace.† But, though there was submission for a time, the difficulty with regard to the title to land continued, and the uncertainty of tenure caused by the lord’s claim that he had the right to dispose of all the lands, on the expiration of the leases, to others than the former lessees, together with the alleged impossibility of working the land at a profit if any rent was paid‡ and the attractions of smuggling,§ resulted in many of the farms being abandoned.

\* *Lib. Scacc.*

† The Laces, however, still contested the question, and it was finally compromised in 1728 by a deed of release from Stephen Lace to the trustees of Bishop Barrow’s Fund for the consideration money of £161 15s.

‡ See pp. 923–4.

§ Pp. 428–32.

|| Some few of these were cultivated by the lord, but many went out of cultivation altogether.

The lord  
succeeds in  
enforcing  
alienation  
fines.

Further trouble, too, had arisen about the alienation fines, which the tenants refused to pay, declaring that they were not in accordance with their ancient customary tenure and that they had only been granted in the form of benevolences to the lord when he was in especial need. In this respect, however, the lord was able, after some delay, to enforce his demand in 1673, by inducing Tynwald to confirm the Ordinance of 1582 and the Statute of 1645, which ordered that "no manner of person or persons whatsoever shall give, grant, or assigne, any Lands or Tenements within this Isle, without the special lycence of the Lord of the said Isle, or of the Officers thereof."\* Tradition has it that the tenants were so discontented with this state of affairs that the Keys, as representing them, went to London to interview King James II.† This expedition has been regarded as apocryphal, but its occurrence receives some confirmation from an entry in the Exchequer Book in 1703 to the effect that some years before "the Keys went over to England."‡

\* *Statutes*, vol. i. p. 135. (Repealed by Act of Settlement.) There are numerous entries in the Records at this time of licences to alienate, and of conveyances rendered void by not having been confirmed by the lord. The tenants had to pay for these licences.

† In the words of the song:—

"Tra harrish Sostyn,  
Va Ree Jamys reill,  
Kiare-as-feed ayns charra-  
neyn  
Hie gys Lunnin ny whail."

‡ *Lib. Scacc.*

"When over England,  
King James did rule,  
The 24 in carranes  
Went to London to meet  
him."



But, whether this expedition took place or not, it is clear that the difficulty of obtaining tenants continued, and it led Earl William, in 1692, to appoint commissioners,\* not only to manage the insular revenue, but "to sett and lett all lands now out of lease."† They do not, however, appear to have met with any success, since it is recorded, in 1693, that land in a number of parishes was surrendered to the lord, the owners being unable to pay rent.‡ The coroners were consequently ordered to give notice at the parish churches "that whosoever will come in and pay most to our Honourable Lord for the said tenements shall be admitted tenants."† No one, however, responded to this invitation, and therefore, in 1699, Earl William came to the island and issued a proclamation to the effect that he intended settling the tenants "in their several holdings and tenures,"‡ and that he had appointed Bishop Wilson to receive any proposals they might have to make, with a view to deciding the question.§ Nothing, however, was done till after his death in 1702, when he was succeeded by his brother, James, who, on the 10th

Difficulty of  
obtaining  
tenants.

\* *Lib. Irrot.* The commissioners were Roger Kenyon, William Sacheverell, John Rowe, and Richard Stevenson.

† *Lib. Scacc.*

‡ *Ibid.* He admitted "the great loss and uncertaintie" there had been in having "things left so long under uncertainties."

§ There being disputes about the rights of ownership to some farms, the earl took them into his own hands, but declared that he would make compensation to the rightful owners when the disputes were settled.

of June, 1703, in writing to the bishop, remarks that "the sooner the Island can be settled on a good bottom it will be much better for both the Island and myself." \* In consequence of this letter, Bishop Wilson, with a deputation of three members of the Keys,† proceeded to England to see the earl. They made certain proposals, which were, with one exception, accepted by him. An Act, called the "Act of Settlement," embodying these proposals, was passed on the 4th of February following, and it was promulgated at Tynwald on the 6th of June. It is a compact, like *Magna Charta*, between a feudal sovereign and his vassals. Its substance is briefly as follows: The earl, on his part, declared and confirmed to his tenants "their ancient customary Estates of Inheritance in their respective Tenements, descendable from Ancestor to Heir according to the Laws and Customes of the Isle." ‡

The Act of  
Settlement in  
1704.

\* *Lib. Scacc.*

† Ewan Christian of Milntown, Ewan Christian of Lewaigue, and John Stevenson of Balladoole.

‡ *Statutes*, vol. i. p. 162. The preamble of this Act recites the reasons for it as follows: "Whereas severall Disputes, Questions, and Differences have heretofore arisen and been contested between the Lords of the said Isle and their Tennants touching their Estates, Tenures, Fines, Rents, Suites, and Services, to the great Prejudice of the Lords, and Impoverishment of the Tennants and people there, who by that Means have been discouraged from making such Improvements as their Estates were and are capable of; for the absolute and perpetual ascertaining whereof, and the avoiding all Ambiguities, Doubts, and Questions that may or might at any Time hereafter arise or grow touching or concerning the same, Proposals were made unto the said James Earl of Derby, now Lord of the said Isle" (*Statutes*, vol. i. p. 161).

The tenants, on their part, covenanted to pay to the earl "the same fines which they severally and respectively paid for their several and respective tenements . . . at the Generall Fining" in 1643.\* If any of the lives were still in being, then only two-thirds of the general fine was to be paid. Upon any future change by succession or alienation, one-third of the same was to be paid, and, if it were by death of a tenant, twelve months were to be allowed to pay it in. Minor holdings, such as cottages, "milnes" and intacks, were included under the same rule, also the abbey lands, subject to the payment of the same fines as in 1666, and to the "yielding, paying, performing, and doing the annuall rents, customes, suites, and servises as formerly and anciently accustomed." †

As regards the tenants of the lord's lands, it was also agreed that the double money rents of the quarter-lands, together with all other rents, suits, and services, were to be paid as arranged in 1643. But no change was made in the money rents of the tenants of the abbey lands, who continued to pay the single rent in money, but, since their money commutation for the customary payments in kind ‡ was from time to time increased in value, their rents are practically equivalent to those of the tenants of the lord's lands.

\* *Statutes*, vol. i. p. 162.

† *Ibid.*, p. 163.

‡ No formal commutation for these customary payments in kind has ever been made, and some of the tenants in the Lezayre abbey lands still pay in kind. These payments do not now exist in the lord's lands.

Gifts, even to children, and mortgages, were to be treated as alienations, but the mortgagor was to be allowed twenty-one years from the date of his mortgage for his chance of redeeming. Clauses were subjoined bringing under the same rules any inclosures or mills hitherto uncharged, or that might come into existence in the future. Some special cases were then provided for; and it was arranged that all payments were to be in Manx currency, and that they were to be made within eighteen months after the passing of the Act. The Setting Quests in each parish had to see that the tenants' names were duly entered in the Court Rolls. Then came the enacting clauses to the effect that the before-recited proposals should be law, and that the titles founded on them should remain good and firm, as against all manner of claimants. All existing dues and interests were reserved to the owners, and the military service due in time of war was expressly continued. A supplementary and explanatory Act was passed at the same time, by which it was enacted—(1) That “carriages” should be paid “as formerly accustomed, *i.e.*, four carriages from every quarter of Land.”\* (2) That fraudulent bargains for letting lands, &c., for security of money, “under other notions than that of a mortgage,”† to defraud the lord of a fine, should be considered as mortgages, unless the Court of Chancery decided other-

\* *Statutes*, vol. i. p. 172. For explanation of carriages, see under *Boon Services*, Book II. chap. iv. § 3.

† *Statutes*, vol. i. p. 173.

wise. (3) That the intacks and cottages bordering the roads, which had been occupied without leave, should be annexed to the farms and tenements next adjoining, their occupiers to become sub-tenants, or to retire, with such compensation as the Court of Chancery should fix. If, however, no complaint was made within eighteen months, they were not liable to removal. (4) That, though all mines and quarries were reserved for the lord, yet the tenant was to have the right of raising stone, slate, or limestone for his own or his neighbour's use, but not for the general market, without a special licence. This Act, with the explanatory Act, was re-enacted and confirmed in 1777, with the consent of the Crown,\* and it is to this day considered the basis of the tenure of all the Manx customary estates, except those of the barony tenants.† The tenure thus established is referred to by the learned Deemster Sherwood as “that ameliorated species of copyhold called customary freehold, similar in many respects to the tenant-right or customary freehold tenure prevailing in the North of England.”‡ The customary tenant or owner is, in fact, “entitled to an estate, freehold in quantity, but not in quality, and to the complete enjoyment of the land, subject only to the reservations referred to, and to the payment of the annual chief rent and a small fixed fine on every alienation

It was  
re-enacted in  
1777.

Nature of the  
tenure thus  
established.

\* For the attempts of the fourth Duke of Atholl to upset part of this Act, see Book IV. chap. i. pp. 531-4.

† See Appendix E.

‡ *Manx Law Tenures*, pp. 11-12.



and descent,\* and to the other customary burdens † not compounded for in the original payment of double rent.” ‡ Thus was one of the most impor-

\* After the passing of the “Act of Settlement,” which repealed the portions of the Acts of 1645 and 1673 referring to alienation, it was, according to Deemster Sherwood, doubtful whether or not the tenant had an uncontrollable power of alienation. In 1746, it was decided by Deemster Mylrea that the Lord’s confirmation was necessary to render alienations valid, and the precepts for holding the Baron or Manorial courts, till recently, contained notices affirming this, though there appears to be no instance since 1704 of an alienation having been made void for want of confirmation. One of the claims set up by the Duke of Atholl in 1780 and 1791 (he contended that the Manx tenures were base and that no one could alienate without a licence from the lord) was to this supposed right of confirmation, and it was not till 1844 that it was finally settled by a decision of the Privy Council that under the “Act of Settlement,” tenants were entitled to alienate their lands without confirmation by the lord (*Manx Law Tenures*, pp. 32–5). In the Bishop’s barony there are no alienation fines, but there is one payable on the installation of each bishop, consisting of an ox or colt from each quarter-land.

† The only one of these burdens now remaining which is of any consequence is the liability of the owners of each quarter-land to serve in rotation as moars. The duty of the moar, or his deputy, is to collect the rents and fines of the lord’s lands in his parish, and, if he fail to do so, his estate is liable to the lord for them. The abbey and barony tenants, except those of the bishop’s barony, are also liable to a similar office, called “serjeantship.” The bishop appoints his own serjeant. The moars and serjeants are sworn in at the baron courts. If a quarterland is divided between several owners, the largest owner is usually selected as moar, or serjeant. He is, however, entitled to receive a contribution from the other owners in proportion to the lord’s or abbey rent of their holdings, and, in case of his failure to carry out the duties of his office, the quarter-land is liable to the lord for the amount of the rents and fines.

‡ *Ibid.*, p. 12.

tant grievances of the tenants settled. But several others remained. The first of these was the attempt of the lord to get a rent from the commons, or mountain, lands. These lands, though belonging to him, had hitherto been open to the landed proprietors \* for grazing, quarrying, and cutting turf at a nominal charge.† Great, therefore, was the indignation excited when, in 1710, Lord Derby had an assessment of the commons made in order to enforce payment of a rent, and those who were employed in making the assessment were prevented from doing so by a number of people, chiefly the small proprietors or crofters. But, though the leaders ‡ in this affair were fined and imprisoned, Lord Derby gave up the plan of enforcing a rent, and, instead, began enclosing some of the commons' lands and selling them. This, seeing that the land-owners had come to consider the mountain lands as their own, was a still further grievance, and the feeling thus aroused culminated, in 1724, in a riot,§

The commons question.

\* *I.e.*, the lord's tenants. We will, in future, call them land-owners.

† In 1577, the rent for taking turf from the lord's "Forest" was  $\frac{1}{2}$ d. per annum; and for grazing stallions or bulls  $1\frac{1}{2}$ d. each was paid during the same period. Besides this, a fee of  $\frac{1}{2}$ d. once in seven years (!) was due to the keepers of the gates on the roads leading to the mountains (*Statutes*, vol. i. pp. 49-50).

‡ William Kewley and 43 others (*Lib. Scacc.*).

§ It appears from the evidence which was given that some provisions which were being taken to the governor and his party were stopped, and that "a mob with long sticks and staves" threatened the governor, though he was accompanied by a number of soldiers (*Ibid.*).

which broke out one day when the governor and officers were in the mountains with a person who was treating for some of the land. The ringleaders of this riot were ultimately captured, placed in the stocks and heavily fined. After this there was no more trouble about the commons till 1774. Before speaking of the renewal of this dispute, it will be desirable to consider the other grievances of the landowners.\*

Other  
grievances  
connected with  
the land.

In 1719, we hear of a complaint made by the Keys to Lord Derby that "titles to Lands and Tenements have of late been tryd other ways than by the course of the common Law."† He referred the question to the Council and Keys, who agreed that in future titles to lands, &c., were not "to be sent to the Lord, but to be commenced by entering an action at common lawe at the sheadinge court and that such action only shall be looked on as a proper and sufficient claime . . . the process to be by jury and traverse according to Lawe and Custome, and the judgement of the 24 Keys in such cases to be finall."† This decision was assented to by Lord Derby.‡ Further grievances were the sequestration of some estates, the titles of which were in dispute, the "granting licences to enclose the lands of several persons under their strand hedges, which they and their ancestors have held time immemorial, allowing the inquests to

\* *I.e.*, the nominal tenants.

† *Lib. Scacc.*

‡ Notwithstanding the agreement, this was again a cause of complaint in 1723.

proceed without summons, or notice given to the parties . . . dismissing without just cause and branding with infamy some of the inquest, and obtruding others that may best serve their turn . . . by which means people are deprived of their unquestionable rights,"\* and the "illegally dispossessing several persons of their lands and ways and not allowing them the due course and benefit of law for the prosecution and recovery of the same." \*

We do not learn how the various points in dispute were settled, but it is probable that the landowners attained most of their objects, because there is no record of any further trouble about the payments of lord's rents, which, as the value of money fell, and the value of land increased, gradually became almost nominal, and nothing has since occurred to disturb the title of the landowners to their estates, which, subject to the payment of lord's rent, was recognized on the transfer of the manorial rights of the Duke of Atholl to the Crown.† Such questions as

Seem to have been satisfactorily settled.

\* *Lib. Scacc.*, 1723.

† Upon this "the whole of the customary tenants of the Island, including the customary tenants of the Abbey Lands and of the baronies of St. Trinians and Bangor and Sabal (the interests of the mesne lords of which had long previously fallen into the hands of the Crown) but excepting the Bishop's Baronies and the Maughold Barony Lands [formerly belonging to St. Bees, but laterly to the Christian family], became immediate tenants of the Crown and so continue to the present time. The Bishop and the proprietors of the Maughold Barony Lands are therefore the only remaining representatives of the few Ancient Freeholders or Barons of the Island" (*Manx Law Tenures*, pp. 4-5).

did arise concerning land\* and its rental were between the landowners and those to whom they let their lands. That the new landlords, who formed a majority in the Keys, took good care of their own interests is shown by the passage of an Act, in 1753, under which any one intending to sell tenants' goods under execution had to pay the landlord a year's rent before it could be done, and no sale of property was good against the landlord's claim for rent,† and this, it was affirmed in 1777, was to be paid in preference to all other debts.‡

Except the  
commons  
question which  
continued.

We now return to the commons question. The fourth Duke of Atholl granted numerous licences to enclose portions of the commons, such enclosures being called "Intacks."§ Some of these were disputed, and, verdicts against them having been

\* The only exception to this was in 1879, when the Crown contested the right of the customary freeholders to the sand and clay underlying their estates, but these were firmly established by the decision in the Ballaharra clay case. (For full report see "Attorney-General for the Isle of Man *v.* Mylchreest" in Law Reports. "Appeal Cases," vol. iv. pp. 294-310.)

† *Statutes*, vol. i. pp. 275-6.

‡ *Ibid.*, p. 306. Servants' wages were placed on the same level. We may note that, in 1869, all real property was made liable to debts; previously to this, quarter-lands "having passed one descent" were not liable (*Statutes*, vol. iii. pp. 471-3), and that, in 1871, all Acts passed authorizing the taking of lands for public purposes were consolidated in the "Lands Clauses Act" (*Statutes*, vol. iii. pp. 514-50).

§ See note \*, p. 900. The fact of the Great Enquest, which the people considered as the guardian of their interests in these matters, not being in existence between 1777 and 1793, caused more than ordinary dissatisfaction with these enclosures.



supported by the Keys, were not carried out. Such enclosures, however, continued under the Crown, and no resistance was made to them till 1855, when an unusually large portion was thus enclosed. The Great Enquest refused to ratify this enclosure, on the ground that "it would be prejudicial to and an infringement upon the rights of the public,"\* and their action was fully endorsed by popular approval. It is impossible to go fully into the arguments of the opposing parties, but they may be briefly stated as follows: The landowners admitted that the soil of the unenclosed lands is vested in the Crown, but they said that they had enjoyed immemorial rights of common, of quarrying stone, and of digging sand and gravel over and from such lands; that, although portions of them had been enclosed from time to time under licences granted by the Lords of Man, all such enclosures were made with the sanction of the Great Enquest,† and that they could not be made without the sanction of that body. The reply of the Crown was to the effect that it has the exclusive right of property in the minerals, &c.; that it is entitled to certain forestal rights for the preservation of game; that it has a right to grant licences to enclose (the functions of the *Great Enquest* being confined to enquiring whether the enclosures would be prejudicial to any public way, watercourse

Objections to  
their being  
enclosed.

The case for  
the Crown  
stated.

\* Parl. Papers (1859), Return to House of Commons, p. 8.

† The decision of the "Disafforesting Commissioners" was adverse to the view that the Great Enquest had any right of approval. But this decision is contrary to the opinion of Deemster Parr and Manx lawyers generally.

or turbary);\* that it is entitled to pasturage of the unappropriated lands, qualified by the enjoyment of such rights of common as any landowners might be able to establish, and that the existing practice for every person, whether a landowner or not, to take the rights of common without stint is one which is incapable of being defended as legal right,

\* In this respect the contention of the Crown appears to have been correct, since, according to Deemster Sherwood, the customary method of obtaining an "Intack" was to apply to the governor "who granted a licence authorizing the applicant to enclose the parcel named in the licence, provided that the Great Enquest of the Sheading in which the land lay should first view the same, and in their return certify the quantity and boundaries of it and also reserve the public highways, watercourses, and turbaries. The licence contained a condition that within a certain time the applicant should cause a rent to be settled thereon, otherwise the licence to be void. Many licences also contained a condition that the premises should be enclosed within a certain time. The applicant, after obtaining this licence, issued the necessary summons for convening the Great Enquest, who on view of the premises made their return certifying the quantity, and reserving all such roads, watercourses and turbaries as they conceived necessary for the public interest. This being completed, the party attended at the Court Baron and presented his licence and return, whereupon an annual quit-rent was set upon the land by the Attorney-General or the Lord's Officer, an entry was made upon the roll admitting the party as tenant to the Lord of the land in question, and charging him with the rent, which afterwards formed a portion of the regular rental of the Parish; and an alienation fine was also fixed on the land in terms of the 7th clause of the Act of Settlement. Under this entry the party became entitled as against the Lord to a customary estate in fee simple in the lands." (*Manx Law Tenures*, pp. 21-2.) The deemster (*Ibid.*, p. 21) says that the power of the governor to grant licences to enclose was derived from the Statute of 1418, § 3, but this law seems rather obscure and, in any case, it was repeated in 1737 (*Statutes*, vol. i. pp. 4-5).

because its existence is injurious to the interest of those proprietors who may have valid claims. The only point in dispute that was easily settled was the undoubted right of the Crown to the minerals, &c. Since the other points were, for the most part, obscure, and since there was no doubt that the landowners had enjoyed a right of user, though it may only have been on sufferance, the "Woods and Forests" department, as representing the Crown, offered to give them two-thirds of the land, while retaining one-third. But this offer was clogged with so many injurious conditions that it was rejected by the Keys. Commissioners were then sent from England to investigate the question, and, after receiving their report, the "Woods and Forests" offered to divide the commons equally between the Crown and the landowners, and they withdrew the objectionable conditions. This offer was accepted by the Keys,\* and, in 1860 and 1864, Acts of Tynwald† were passed to enable the proposed changes to take place. Commissioners were appointed by the Crown to examine the claims to portions of the commons, and, when these were decided, some receiving land and others money compensation, a further portion of the commons was

The question settled by compromise in 1864.

\* They had sent a deputation of two of their members, George William Dumbell and William Farrant, to interview the commissioners in London, and they succeeded in obtaining more favourable conditions for the Manx landowners.

† "The Isle of Man Disafforesting Act, 1860," and the "Compensation Act," 1864. (See *Statutes*, vol. iii. pp. 78-90 and 105-109.)

sold to pay expenses, and the remainder was divided in accordance with the proposals of the Commissioners.\* Trustees, called "Commoners Trustees," † one from each Sheading, were appointed in 1866, ‡ to manage the property of the landowners and the rents received by them were expended in liquidating the lord's rents about once in three years. These changes were not carried out without opposition from the crofters and tenants. In May, 1864, they expelled an agent of the "Woods and Forests," who went, with some police, to clear off their sheep from the mountains, but a second expedition, headed by Governor Loch, who was accompanied by the garrison soldiers and a number of police and special constables, overawed the countrymen gathered to oppose them and accomplished this without serious opposition. And in this way the question was settled. There still exists, among those whose lands adjoin the mountains, much dissatisfaction with this settlement, because they were deprived of what had practically been a monopoly

Notwithstanding more opposition by the crofters, &c.

\* A map made for the Duke of Atholl in 1827 put the acreage of the forest at: Northern mountains, 19,601 acres; Southern, 8,320 acres; Ayre lands, 1,190 acres; The Mooragh, 33 acres. Total, 29,144 acres. From this the intacks claimed "within the old Forest Wall," amounting to 3,445 acres, were deducted, leaving 25,699 acres. Of this 8,573 acres were sold to pay the expense of forming mountain roads, realizing rather more than £25,000, the remainder being divided equally between the landowners and the Crown. The amount of compensation paid was £1,823 9s. 8d. to 69 persons.

† They must have an annual estate of £100 and go out of office each year.

‡ *Statutes*, vol. iii. pp. 335-353.

of free grazing on the mountains for a very inadequate compensation, but the greater number of the owners and tenants, who, as being remote from the mountains, had not lost a right of any great practical value, were not unfavourable to the change. Moreover, the manner of using the commons by those adjacent to them was not economical, since it encouraged sheep-stealing, overcrowding, and disease.

#### APPENDIX A.

The ancient mode of conveying customary lands was by a verbal agreement and a symbolical surrender by delivery of a straw by the grantor to the grantee. This was done at the half-yearly manorial, or baron, courts, and the transaction was recorded on the rolls of the court in the way stated below. After a time, as dealings in land became more frequent, the inconvenience of delaying the completion of the transaction till the date of the manorial courts was more felt, and so conveyance by deed gradually became the custom, but this did not supersede the practice of being entered on the rolls,\* which was necessary in order to furnish the moars with a list of the tenants' names to enable them to collect the lord's rent. These rolls consist of the following books, called the Manorial Books : †

(1) *Libri Assedationis*, or Setting Books, being the rent rolls containing the names of all landowners and the rent which they pay to the lord.†

\* *Manx Law Tenures*, pp. 37-8. The non-entry of a grantee, however, does not now affect the validity of his title, though the Duke of Atholl contended, in 1781, that "the constant evidence of inheritance in the Isle of Man is an entry in the Lord's Court" (Pamphlet, 1783).

† These books were kept with the others referred to in Book VI. ch. i. till 1765, when they were separated and placed in the seneschal's office. The first of these books left on record, dated from the Castle of Rushen, is the setting of the lands and tenements of Thomas, Earl of Derby, before certain Commissioners, in May, 1511. It contains the particulars of the rents in the parishes of Malew, Arbory, Rushen, Santon, Maughhold, Lonan, Conchan, Braddan, Marown (Knowsley Muniments<sup>1515</sup><sub>2</sub> and Seneschal's Office). The first survey we have of the other parishes is dated 1515.



(2) *Libri Vastarum*, or Wast Books, containing the admissions, entries, and titles of landowners and the alienation fines and rents paid by them.

(3) Composition Books, describing each particular tenement and recording the fines paid at the Act of Settlement and at other times.

(4) *Libri Monasteriorum*, or Abbey Books, containing the rentals of the abbeys and of the various baronies.\*

The method of being entered on the rolls has continued to be much the same since 1511, or, probably, even earlier. It takes place at the baron or manorial (formerly sheading) courts, held twice yearly by the seneschal of the lord proprietor, who is now the English Sovereign, in the following manner: The names of the sellers, or deceased proprietors, are drawn out of the *Liber Assedationis*, and the names of the purchasers, or heirs, are entered in the *Liber Vastarum*, as well as their respective titles, by which they are entered, ascertained, and specified. Then from the *Liber Vastarum* a new *Liber Assedationis* is made. In making these entries the governor, deemsters, seneschal, or other officers, before the Revestment (after it the seneschal was the sole officer), were, and are, assisted by a jury of four men in every parish, called a "Setting Quest." These men, according to Hoper's report (*Lib. Scacc.*, 1608), were sworn "to aid and assist the Court in entering the said tenants' names; and that none be put upon the said rentals or Court Rolls, but such as have a good title to the same, either by tenant-right, purchase, will, or otherwise; and such entries, so made by the Court and Setting Quest, to be reputed and taken of such force and validity, as that, in case any tenant's bill of sale should happen to be lost or miscarry, the record being fairly and fully expressed, the same is sufficient to make good the sale as well as the title." By the 19th (MS.) customary law "No traverse can be granted upon the verdicts or returns of the setting quests, as upon other juries at common law." To ensure their knowledge of the properties being up to date, it was formerly the custom that "the moar of the present year was to be of the setting quest of the year following" (Parr's MS.), and, as a safeguard for securing the lord's rent, they were

\* The first survey of the abbey rents on record is dated October, 1607. It was taken by Philip Leighe and Edward Ellis (Knowsley Muniments <sup>2715</sup> and Seneschal's Office).

compelled, if unfortunate enough to enter an insolvent tenant, to make good the rent themselves. But these two provisions are not now enforced. The oath administered to the setting quest was as follows: "By the true Contents of that Book, and all the miraculous Works that God performed in Six Days and Seven Nights, you shall do Justice, you shall do no Falsehood, for Fear or Love, Friendship, Affinity, Hatred or Malice, or for the Sake of any worldly Gain. You are not to draw any Person's Name out of the Setting Books or Rentals, but upon the Death of a Tenant, and you are then to enter the Heir at Law, or other Person to whom any Title may accrue by Deed, Gift, Will, Decree, Settlement, or other Conveyance, and that you will do all Things appertaining to the office of Setting Quest justly, truly and conscientiously, according to the Law and Practice of this Isle. So help you God, and the Contents of this Book" (*Lib. Irrot.*). The following will serve as a specimen of these entries:—

"1585.

	$\left. \begin{array}{l} \text{Willm. Quail} \\ \text{Pat. Andrew} \\ \text{Wm. Maddrell} \\ \text{Christ. Shimmin} \end{array} \right\} \text{Jur.}$
Nom. Jur.	
Assed. Lib.	

Grenaby—Thomas Moore—Christopher Shimmin. Thomas Moore by deliverye of the Strawe in Court, acknowledgeth it could be Xpher Shimmin's for ever" (from Seneschal's Office).

The difference between the ancient Manx and English copyholds was that, in the Manx, the symbolical delivery by the straw was from the old to the new tenant, and the bargain and sale was made directly to the latter, the lord merely recognizing his new tenant by enrolment on his rental books. In the case of the English copyholds, the land was surrendered by the accustomed symbol, the verge or rod; there was no deed, but the title of the new tenant depended upon a copy of the surrender and admittance. At the present day there is, speaking generally, scarcely any resemblance between them, though it must be remembered that English copyholds vary considerably in the different manors.

We will add a few words on the law relating to land and to the modern method of transferring it. Before 1869 quarterland estates were only liable for the debts of their owners if

they had been purchased by them ; but, by the " Real Property " Act, in that year, they were made liable, equally with intacks, to be taken in the execution of the payment of debts.\* By the " Wills " Act, in the same year, power was given to devise all real property of whatsoever description by will. There is no law of entail in the Isle of Man.†

The transfer of land can be effected at a very moderate cost. The general devolution of the title is speedily ascertained by reference to the manorial books, supplemented by the excellent system of registration, which has been greatly improved from time to time, especially in 1847.‡ No charge on a property is valid unless it is recorded in the Record office, and the charges take precedence in accordance with the date of registration. The purchaser of a property is only liable for the charges recorded on it at the time of the purchase, and these are easily ascertained from indices which are open for examination without the payment of any fee. Copies of documents are furnished on the payment of a small fee, and the originals, also, are allowed to be examined under rules and regulations providing for their security.

#### APPENDIX B.

" The King to all to whom, &c., greeting. . . . Know ye that we therefore by virtue and force of our said royal authority, and of our special grace and mere will alone, have ordained, constituted and established a firm and perpetual law, likewise we grant and concede to all and each of our subjects, and other persons whatsoever living and residing, and who have any inheritance in possession and rights, and goods, and chattels in our said Island of Mann, or any part thereof belonging or which now or hereafter may belong to them, that they, and every of them, may transfer, alienate, grant, and demise both the whole Island aforesaid as well as any part thereof ; and also all and every the lands of inheritance, free tenements, rights, goods, and chattels within the Island aforesaid, or any adjoining the same, by their deed or instrument, sealed and delivered under their seal : And that such grant, alienation, or demise,

\* *Statutes*, vol. iii. pp. 471-8.

† *Ibid.*, pp. 465-70.

‡ Prior to the 14th of December, 1847, there was no statutory regulation requiring the recording or registration of deeds affecting real estate in the island. The custom of doing so nevertheless prevailed (*Ibid.*, vol. ii. p. 183).

shall be good, firm, valid, and effectual in law, according to the tenor of the said deed or charter, without any other delivery of seizin, or acknowledgment, or notary public, intervening; or any other ceremony, solemnity, or form of right for that purpose, to be further used or required, any law, custom, statute, or ordinance of our Kingdom of England, or the Isle of Mann aforesaid notwithstanding. And further, by virtue of our royal pleasure, we ordain, constitute, and establish a firm and stedfast law, and do give and grant to all and each of our subjects . . . to whom the inheritance of the said Island, or any part thereof, or any estate of and in the said Island does or may belong; that in case the person to whom the inheritance of the said Island, or any part thereof, or any other estate of and in the Island aforesaid, or any part thereof, or any inheritance, free tenement, possession or right within the said Island, or any adjoining the same shall descend, or in any other manner come to a married woman, every such woman shall and may be able to transfer, alienate, grant and demise, such her inheritance, estate, or right, by deed signed as well by her as by her husband, under their seals, and acknowledged in our Court of Chancery in England, notwithstanding any law, statute custom or ordinance of our Kingdom of England, or any law or custom of the said Island of Mann to the contrary thereof. And we do nevertheless will, grant, and declare, that any law or custom in our Island aforesaid, had and used for transferring, alienating, or granting of their inheritance or possession shall be and remain in full force, and in no way weakened by this our ordinance and constitution of such laws and customs; but that any alienation, grant, or demise may be made agreeable, as well to the form of the laws in the said Island heretofore had and used, as by the form of those presents now added, ordained, and constituted." \*

James's order was, as we have seen, generally disregarded. The following is a specimen of entries in the Records at this period of the enforcement of licences to alienate:—

"Lib. Vast. 1611. Paroch St. Michael.  
 Adam Callister,  
 Donald Carrett, } Jur  
 Finlo Cannell,  
 Finlo Quayle, }

\* "Rot. Pat." (*Manx Soc.*, vol. ix. pp. 122-5).

Note, That whereas that is proved in Court as well by Confession of Thomas Caloe Tenante of a Quarter of Ground, of the Rent of 14s. 9d. as also by Confession of Sir Hugh Cannell, Vicar of KK Michaell, That the sayd Thomas hath sould over the said Ground to him the aforesaid Sir Hugh, *without the Lycense of the Lieutenante and other Officers of this Isle, contrarie to an antient laudable Order sett in Record, and published, as appeareth, in the Exchequer Book for the year 1583.* Therefore the Lieutenante, according to the said Order, caused the said *Sayle to be made voyde*, and the Buyer and Seller to be *fyned in three Pounds to the Lords Use.*"

Note "This Fyne is mitigated by virtue of a Reference from the Countess of Derby to Twenty Shillings."

Memorandum "That upon a further Consideration at this Court, for that Donald Caloe (notwithstanding a Provisoe formerlie made by the Commissioners, when Thomas Caloe compounded for a Lease of the sayd Ground, on the Behalf of the said Donald That he should have an Offer of the same Ground before another) is well pleased and contented, that the foresayd Sir Hugh shall bargaine and buy the sayd Ground, from his brother Thomas Caloe, *and the Lieutenant with the Officers have consented now that a new Bargaine and Sale be betwixt them, and therefore permitted the said Sir Hugh his Name to be entered as followeth :—*

xiijs. ixd.

"*Thomas Caloe* + Sir Hugh Cannell . . . xiijs. ixd.

"Entered by *Delivery of the Strave* had from Thomas Caloe his Heirs, Executors and Assigns, in open Court."  
(From Seneschal's Office.)

#### APPENDIX C.

"The Lord's officers then wrought so with all the Manksmen of the Island to alter their whole tenure, and to take leases for 3 lives (as they do in England), alledging the tenure by the straw for that thereby they were but tenants at will, and might be put out at the pleasure of the lord, but by taking leases for lives both they, their wives, and children, were sure to enjoy the same during any of their lives. These leases extended not only to the lands which they possessed, but to the houses wherein they dwelt. Now, to make this innovation the more



plausible, and to seem of less consequence, they at first require but 12 pence for every house as a rent, and 12 pence for every acre of land, only they must pay a fine besides, which is now but 4 years rent, so as he that payeth 12d. rent for either house or land must pay 4s. more for a fine. This little may prove a much, for both rents and fines may be rais'd, if not racked, where power hath no conscience. The Manks at first muttered, murmured, and complained in private, repining against this innovation (of such consequence in future), but knew not how to help themselves, for some of the wealthier sort, having been won to consent and lead the way, the rest (not having power because poor) dared not to deny but to follow their example, for fear of being made an example." \*

#### APPENDIX D.

The following are some further customary laws with reference to inheritance: If a woman marries a man who is seized of a freehold of inheritance, and survives him, she is entitled to one moiety of the estate, *dum sola et casta vixerit*. This was confirmed by an Act of Tynwald in 1687 (see *Statutes*, vol. i. p. 143). If a man marries an heiress, and survives, he shall be entitled to one moiety of the estate acquired by descent as long as he remains a widower, and to a moiety of the land acquired by purchase, absolutely; and he is solely entitled to the receipt of the rents and profits during the coverture; also that an heiress so married hath no power to sell or lease her estate, without being joined in the act by her husband; and in like manner, a husband cannot sell or make a perfect lease of his estate, without the consent of his wife, so as to prejudice her right in case of survivorship. And should a man marry a second wife, having issue by the first, the second wife shall enjoy after his decease, only one fourth part of his estate of inheritance during her widowhood; but if there is no issue living by the first wife, the second shall be entitled to a moiety (Parr's MS.). (For other curious customary laws on this subject see *Statutes*, vol. i. pp. 40, 47, 50, 63.)

We may mention, too, that, in 1777, the previous arrangements as to the mutual rights of husband and wife to landed estates not having proved satisfactory, it was decided that a

\* Blundell (*Manx Soc.*, vol. xxvii. pp. 50-51).

wife was entitled to a moiety of her husband's purchased lands absolutely, in case she survived him, and that she might dispose of this moiety, even in his lifetime, to such of her children as she shall think proper, or to her husband. This right of dower, however, might be barred by settlement before marriage, and by joining in any sale or mortgage during marriage (*Statutes*, vol. i. p. 333). This was repealed in 1852, when it was enacted that a widow was to have half of her husband's net personal estate and a life estate in one moiety of his purchased lands (*Ibid.*, vol. ii. p. 323).

#### APPENDIX E.

"As the Act of Settlement did not extend [to the bishop's barony and] to the baronies of Bangor and Sabal, St. Trinion's, or the Staff Lands and barony of Maughold, the tenure of the customary estates in these districts continue still to be undefined and unguaranteed by any statutory enactment. The writer, however, believes that it has never been questioned, and certainly is not now, that the tenants of these estates have an estate in fee-simple in these lands similar to that possessed by tenants of lands included in the Act of Settlement.\* These lands are subject to certain small quit-rents payable according to the ancient custom, partly in money, and partly in kind, and in some cases fixed alienation fines have been agreed upon between the tenants and their ancient lords.† These rents and fines appear on the Rolls of their respective baronies, which are still kept separate from the Manorial Records of the customary lands. The freehold mines, minerals and other manorial rights in these lands are vested (with the exception of the bishop's barony) in the Crown to the same extent as in the other customary lands. The bishop in his barony has the mines and minerals, &c."‡ (*Manx Law Tenures.*, pp.14-15). This view of the case is confirmed by the fact that the customary "tenants of the bishop's barony § and of the several baronies of Bangor and Sabal and St. Trinion's possess and enjoy the right of

\* Customary freehold.

† There are no alienation fines in the baronies of Bangor and Sabhal and St. Trinian's.

‡ It is stated that he has lead and iron only, the right of the Crown to other minerals being reserved.

§ The bishop's demesne remains in his own hands, and is let by him on leases to ordinary tenants.

alienation without any manorial restraint. In the case of the bishop's barony a composition of an ox or forty shillings was paid by every tenant to each bishop at his installation in lieu of the restraining power. It is not known whether the lords of the other baronies possessed this power or how it has been compounded for (*Ibid.*, p. 356). (For an interesting dissertation on the nature of the title of the present holders of the Maughold barony and "Staff Lands" we refer our readers to the *Manx Law Tenures*, pp. 15-17.)



## BOOK VIII

### *THE THREE GREAT INDUSTRIES*





## CHAPTER I

### AGRICULTURE

IT is clear, both from the description of the Manx land system already given\* and from the particulars which follow, that Manx agriculture, till a comparatively recent period, must have been of a very primitive kind. The land, for the most part, lay open for about half the year, and it is not unlikely, though of this there is no absolute proof, that joint holdings in scattered strips divided by balks survived up to the middle of the eighteenth century.† The method of tillage in vogue was probably that of three fields, one being under wheat, another under barley or oats, and the third lying fallow for one year.‡ Unfortunately, we have no definite information with regard to it, nor, indeed, is there

\* See Book I. ch. ii.

† It must be remembered that this system was in existence in England after that time, it calling forth a remark from Young that the "Goths and Vandals of open fields farmers must die out" before any real improvement could take place.

‡ At that time the only green crops to give a rotation were vetches and beans, there being no sown grasses or turnips.

Its condition  
in 1577,

any account of agriculture before 1577, in which year we are told, by Governor and Bishop Meryck, that the island was "rich in flocks . . . and corn,"\* but more through the industry of man than on account of the kindness of the soil."† He also remarks that it not only "produces sufficient for its own consumption, but annually exports a great deal."† Seventy years later it is said to have yielded "besides corn of all sorts . . . good store of flax and hemp."‡ This corn is specified as consisting of "rye, wheat and barley, but chiefly oats, the ordinary bread-corn of the inhabitants."§

And at the end  
of the 17th  
century.

The fact that oats formed the chief food of the inhabitants is confirmed by another writer, in 1681, who also comments on the goodness of the barley, beans and pease.|| Sacheverell gives the following account of the soil and its products at the end of the seventeenth century: "The middle part of the country is generally barren and full of mountains.

\* It is not known whether Manx pasture land increased at the expense of the arable, as in England in the fifteenth and sixteenth centuries, or not.

† Cott. MSS. (*Manx Soc.*, vol. iv. p. 95). If we may believe the survey of 1608 (see pp. 878-9 note †), which declares, as regards the parish of Lonan, that there was "noe tenant within that parish because of the Barren Soyle therein," it would seem that the parish was altogether uncultivated. But this is contradicted by the fact that numerous lord's rents would seem to have been paid in that parish in the year referred to, and so we must assume that the surveyors of 1608, whose principal duty was to give a list of leases, meant to convey merely that there was no land let on *lease* in that parish.

‡ Blundell (*Ibid.*, vol. xxv. p. 40).

§ Chaloner (*Ibid.*, vol. x. p. 6).

|| Denton, MS.

The north-west is a poor gravel and sand ; the north-east has a large tract of meadow called the Curragh, which was formerly under water, but of late well drained and greatly improved ; the south, and the south-east has a reasonable good soil, and produces moderate crops of corn when well husbanded.”\* Of the island generally he remarks that it “affords all sorts of grain in reasonable plenty, some small quantity of hemp and flax, a little honey and wax.”\* Thirty years later, Waldron gives a less favourable account of the crops, declaring that the wheat was so bad, that bread could not be made of it, and that there was only sufficient barley to make malt of for home consumption ; he states also that oats was the chief crop and that potatoes were very plentiful.† None of these writers say much about the grass land, but it is probable that, besides mountain land, there was a large proportion of permanent pasture.‡ Its quality, however, seems to have been indifferent.§

The cattle that fed upon this pasture are described as being little, low and poor, which is not sur- The live-stock.

\* *Manx Soc.*, vol. i. p. 12. We have already seen that at this time the area under flax and hemp was compulsorily increased by legislation (p. 426).

† *Ibid.*, vol. xi. p. 2.

‡ We may note that there were deer in Man as well as on the Calf. Thus, in 1653, “the deare of this Island have been much neglected” (*Lib. Scacc.*).

§ “Their meadows are either benty or full of rushes ; some by the sides of rivers much better” (Denton MS.).

“Some tolerable pastures.” Sacheverell (*Manx Soc.*, vol. i. p. 12).

|| Blundell (*Ibid.*, vol. xxv. p. 41).

prizing, seeing that "they feed for the most part in heathy ground, lying continually in the open fields both winter and summer, never housed; neither is any hay or fodder given them."\*

The condition of the cattle was much the same half a century later, though "the better sort improve their breed."† The sheep were, in 1648, described "as fat and their flesh as well tasted"‡ as English sheep, but they were generally smaller. Their wool was very good, though not equal to that of the Cotswold or Leicester,‡ and, "when carefully dressed," it made "cloth near a hair colour."§

Many of these sheep were so wild that they could not be folded for the purpose of taking tithe.|| There were plenty of goats, and also of swine. Of the swine those which were domesticated were fairly large, but there was also "a small mountain kind called Purrs,"§ which were quite wild and afforded "admirable meat."§ The horses were very small and poor.

Drawbacks  
agriculture  
had to contend  
with.

Such being the condition of Manx agriculture between 1577 and 1700, let us now see what were the chief drawbacks it had to contend with during that period, and what efforts were made to overcome them. The main disadvantages under which the Manx farmer laboured were the following: first, the poor quality of the live-stock, especially the horses; secondly, the almost complete absence of fences and

\* Blundell (*Manx Soc.*, vol. xxv. p. 41).

† Sacheverell (*Ibid.*, vol. i. p. 12). ‡ Blundell (*Ibid.*, pp. 42-3).

§ Sacheverell (*Ibid.*, p. 13).

|| *Statutes*, vol. i. p. 43.



trees, whereby the crops and live-stock were exposed to the frequent strong winds and the crops were rendered liable to be damaged by animals entering upon them; thirdly, the ignorance of the use of manures; fourthly, the want of proper drainage. Under the first heading we find that the attention of the insular Legislature was directed mainly to the improvement of the quality of the horses.

Thus, one of the obligations laid upon the Great Enquest in 1577 was that they should present all those who kept any "stoned Horse"\* below the value of six shillings and eight pence, or who had any "scabbed horse or mayre."\* It was ordered, at the same time, that such diseased beasts were to be thrown over the cliffs into the sea and that their owners were to be heavily fined. Seven years later, it was ordained by the Tynwald Court that, not only should no one keep a stallion of less than the above value, but that no stallion should be less than eleven hands high.† We may note also that the object of James, Lord Strange, in offering, in 1628, a prize of £5 to be run for by Manx horses, was doubtless to improve the breed.‡

But, notwithstanding these efforts, the horses at the end of the seventeenth century were described as "poor and small, and very unsightly . . . being

\* *Statutes*, vol. i. p. 54.

† "No manner of person or persons shall keep a stoned horse unless he be the height of five quarters of a yard and worth 6s. 8d. in value, otherwise upon the presentment of the Great Enquest, the offender is to be fined 3s. 4d." (Parr's MS.).

‡ *Statutes*, vol. i. p. 142.

all of a sooty black colour, and their hair long and straggling." \*

They were, however, capable of enduring "a great deal of labour and hardship." \*

The fences, as we have seen, † were originally for use in the summer only, but, in 1656, on account of the lateness of the harvest, it was ordered that the fences should be kept up till "Allhallow Day," instead of being thrown down at Michaelmas. ‡

Fences.

In 1665, a further advance was made by ordering that the fences were to be kept up in winter as well as in summer, or, if not, that a herd was to be kept, so that the land should not remain "common and as wast all the winter season." § With the same object, it was also provided that cattle could be put in the pinfold "as well for the trespass done or made in the winter season, as in the harvest or summer time." § Fences, at this time, were to be 5 feet high; in 1691, they were ordered to be 5 feet 6 inches, besides a trench 1 foot 6 inches deep and 3 feet broad, and, where trenches could not

\* *Manx Soc.*, vol. xviii. (Camden's *Britannia*), p. 13. The size of a Manx horse, even in the eighteenth century, may be inferred from the entry "a substantial horse about 13 hands" (*Lib. Scacc.*, 1716). † Book I. ch. ii.

‡ *Statutes*, vol. i. p. 110. The old customary law was that "ditches" or fences of four and a half feet high, sufficient "to defend horse or cow," should be kept up from the 25th of March to the 29th of September (*Ibid.*, p. 49).

§ *Ibid.*, p. 126. The pinfolds were naturally in great request. In 1422, it was ordered that they were to be made "as they were wonte to be in old time" (*Ibid.*, p. 13), and, in 1665, it was ordered that they were to be kept in repair, like the churchyards, by the tenants of each treen (*Ibid.*, p. 127).

be made, the fences had to be 6 feet high." \* Notwithstanding all this legislation, we find Sacheverell, at the end of the seventeenth century, regretting that, owing to the want of fences on the north of the island, they could not introduce the culture of turnips. † Feltham, writing a century later, remarks that it was necessary to tie the feet of the cattle with straw ropes to prevent their straying, because the hedges were "not sufficient to keep them, being only earth thrown up in the usual way, without any fencing or underwood at the top." ‡

Since then, there has been a continuous improvement in the condition of the fences which still are, however, for the most part, sod banks topped with gorse, though thorn fences and stone walls are gradually becoming more common.

As to trees, Blundell, in 1648, goes so far as to Trees. say: "I could not observe one tree to be in any place but what grew in gardens—there is so great scarcity even of birch, as that the mercers in Man . . . when they come into England for other commodities, they buy up our birch brooms, and of them they make rods and sell them to parents to correct their children, and schoolmen to discipline their schollars." § The scarcity of trees is also mentioned by a writer in *Mercurius Politicus*, in November, 1651, who, when describing the sail of Duckenfield's fleet along the eastern shore of the island, states that they were able to observe the insular forces

\* *Statutes*, vol. i. p. 151.

† *Manx Soc.*, vol. i. p. 12.

‡ *Ibid.*, vol. vi. p. 47.

§ *Ibid.*, vol. xxv. pp. 46-7.

mustering because there were "no trees to hide them";\* and, seventy years later, Waldron says that a man might ride "many miles and see nothing but a thorn-tree, which is either fenced round, or some other precaution taken, that so great a rarity shall receive no prejudice."† Yet the Legislature evidently did its best to prevent the loss of the few trees that existed by enacting, in 1629, that any one who cut down trees, except on his own ground, should be fined ten shillings; and, in 1667, that any one committing the same offence must plant five or ten trees, according to whether it was the first or second offence, for each tree cut by him. Fines and imprisonment on this account were also imposed by the Acts of 1753, 1758, and 1817.‡ The first recorded effort to plant trees systematically was made by Bishop Wilson on his estate at Bishop's Court, where the extensive plantations still bear witness to his activity.§ But it was not till the present century|| that planting was carried out on a large scale, and even now trees are by no means numerous. Quite recently an arboricultural society has been formed to promote tree-planting.

\* "Manx Rebellion" (*Manx Soc.*, vol. xxvi. p. 65).

† *Ibid.*, vol. xi. p. 41.

‡ See *Statutes*, vol. i. pp. 82, 134, 252, 278, and 387. Doubtless the reason of such offences being frequent was the difficulty in obtaining fuel.

§ Wilson's *History* (*Manx Soc.*, vol. xviii. p. 106).

|| Haining's *Guide*, p. 184. Bullock, p. 244. The Agri-cultural Society (see p. 926) at that time distributed young trees gratuitously to those who prepared and enclosed land for planting them.

The primitive method of manuring the land was Manuring. by folding the cattle in small sod enclosures,\* where they were kept for about fourteen days. When the piece of land on which they were penned was sufficiently enriched, the enclosure was thrown down, and the cattle were then placed in another.\* The people knew nothing of the value of lime as a manure till about 1642, when they were taught to use it by Governor Greenhalghe.† Seaweed had been used for this purpose from an early period,‡ but marl, which abounded in the north of the island, was not applied to the land till towards the end of the eighteenth century.

The first mention of an effort thoroughly to drain Draining. the *Curragh* is in 1648, when, as a preliminary step, the Great Enquest of Michael Sheading was ordered to meet the governor and officers “to view and consider of some convenient remedie and redresse for the drayninge of the waters from the corraghlands.”§ The remedy adopted was the digging of a deep trench, called the *Lhen*, or *Lhane-mooar*. This trench required constant repairs to keep it in order,

\* *Statutes*, vol. i. p. 14; Wilson (*Manx Soc.*, vol. xviii. p. 103).

† Sacheverell (*Manx Soc.*, vol. i. p. 12). Tradition has it that the people imitated him in burning stone to make lime, but, since they did not confine themselves to limestone, they frequently failed, and so, attributing his success to witchcraft, they gave up their attempts. Numerous piles of calcined stones may be found in various parts of the island at the present day.

‡ Wilson (*Manx Soc.*, vol. xviii. p. 103).

§ *Lib. Seacc.*



and there are frequent references in the Records to the necessity\* of doing so. It is noticeable that, after the trench was made, the northern side of the island, which had hitherto been considered the least fertile part, gradually became the most fertile.

The Curragh, however, was not the only marshy part of the island which was full of small lakes and bogs. The works necessary to drain most of these were ultimately carried out in 1756,† 1763,‡ and 1776.§

Profits of  
farming.

Let us now consider the profits obtainable from farming. Before 1660, it is very difficult, owing to the very few sales of land mentioned in the Records, and to the paucity of evidence with regard to the money value of the corn dues payable by each quarter-land, to estimate what proportion the lord's rent and other charges on the land, such as corn and turf dues, bore to its value. But it may, perhaps,

\* One of these, in 1714, ran as follows: "Whereas complaint is made that notwithstanding severall orders formerly issued forth for the opening the sluices and cleaning the draines that carry off the water from our Honourable Lords Land called the Lanemore yet the same is neglected whereby the said Lands is very much damnified and rendered of less profit . . . therefore you are hereby required forthwith to give notice to all persons whose Lands and Trenches adjoin to the said Lanemore . . . to open and cleanse their respective draines, trenches and sluices" (*Lib. Scacc.*).

† *Lib. Scacc.*

‡ *Statutes*, vol. i. p. 292.

§ *Ibid.*, p. 301. In 1771, Vicar-General Wilks remarked that many acres of marshy and mountainous land had been reclaimed, and it would be inferred from his statement that most of this had been done since 1765 (*Manx Note Book*, vol. iii. p. 179).

be stated, with some approximation to the truth, that the average value of a quarter-land (of say eighty acres), at the beginning of the seventeenth century, was from £50 to £60, and that the charges on it varied from 30s. to £2 annually.\*

It will, therefore, be clear that the margin of profit was not excessive, and that the lord's rent, which forms more than one-half of the total, was at least a real rent and not a mere nominal charge, as, owing to the enhanced value of land, it is at present. Between the period of the Restoration and that of the Act of Settlement, (1660-1704), agriculture languished, one cause of this being, according to the farmers, that the profits would not suffice to pay the rent, and the reports of the juries appointed to enquire into the question seem to show that there was some truth in this, as far as the inferior farms which were out of lease were concerned. Thus it was stated, in 1677, that the annual valuation† of six farms in the sheading of Glenfaba, which were unlet, was £2 17s. 1d., and that the lord's rent payable by them was £2 10s. 9d., while, in the sheadings of Rushen and Michael, the valuation was

Causes of its  
depression  
between 1660  
and 1704,

\* Thirty-nine leases taken between 1542 and 1592, but for the most part between 1582 and 1592, give an average rental of 8½d. per acre, or, averaging a quarter-land at eighty acres, 56s. 8d. per quarter-land, but these leased lands were probably the choicest farms in the country.

† The juries stated that they had valued the land "green-side up," and had computed "the yeerly worth of grasse, hay, and herbage by wich computation" most of the farms "will not discharge and satisfy the yeerly rent much less the other incumbrances" (*Lib. Scacc.*).

not sufficient to cover the rental.\* But another and more general cause of the depression in agriculture was the insecure condition of the tenure. Under these circumstances we are not surprised to find that Manxmen paid more attention to their fisheries than to their land, and that, towards the end of the century, many of them were tempted to take part in the profitable, though hazardous, pursuit of smuggling. After the passage of the Act of Settlement, however, agriculture slowly revived. The culture of flax was encouraged by the legislation already referred to in Book ii. chapter ii., as well as by the purchase and gratuitous distribution of Dutch flax-seed, by the Government,† and the crops generally were improved by the extirpation of the *purrs*, or wild swine, which had caused considerable damage to them.‡

No doubt, too, Manx farmers were stimulated to make improvements by the remarkable success of Bishop Wilson,§ in farming his demesne, especially when he proved the superiority of his methods by raising large quantities of grain during the famine years of 1740 and 1741, when his neighbours' crops

\* The valuation of the other sheadings has been lost. It is interesting to note that the juries estimated the "grassing" of a cow at 1s. 4d. per annum. In 1756, this had advanced to 8s. 3d.

† *Lib. Scacc.*, 1706.

‡ In 1711, the Legislature endeavoured, though in vain, to obtain the boon of free trade for its agricultural and other produce from Great Britain in return for an undertaking to put an end to the smuggling (*Statutes*, vol. i. p. 187).

§ He was the son of a farmer.

Of its  
improvement  
after 1704.

had all but failed. Such improvement as there was, however, must have been very gradual, since, in 1739, we are informed that the island had not for many years past produced sufficient corn for the support of its inhabitants,\* and, in 1765, one of the first objects of the legislation then passed was to provide the Manx people with wheat, barley, oats, meal, and flour.† It was also enacted that the prohibition of the exportation of Manx live-stock, except sheep, to Great Britain, should be done away with; that all agricultural implements, flax, and flax-seed, might be imported from thence duty free,‡ and that the bounties on corn meal and flour exported from Great Britain into the Isle of Man§ should be discontinued. So inert, however, were the farmers that very little use seems to have been made of these facilities, though there is no doubt that the check which smuggling received at this time|| caused more attention to be paid to farming.¶ And yet a competent authority, writing at the end of the eighteenth century, describes the farmers as only cultivating a small portion of their estates, leaving the rest to be grown over by heath

Legislation  
affecting  
agriculture  
after the  
Revestment.

\* Petition of William Quayle to the Crown (Loose Papers. Knowsley).

† 7 Geo. III. c. 45. By 6 Geo. III. c. 40, a quantity of wheat, not exceeding 2,500 quarters, was allowed to be imported into the island.

‡ Commissioners' Report, Appx. (B) No. 44 (5 Geo. III. c. 43).

§ *Ibid.*, 5 Geo. III. p. 30 (see p. 585).

|| See p. 597.

¶ Though they still went to the herring-fishing.

and gorse.\* Some advances were, however, being made. In 1765 and 1776, there was some useful legislation about boundaries.† About 1770, clover was introduced, and, ten years later, turnips were first cultivated. Nevertheless, in 1792, the Duke of Atholl reported that agriculture was “nearly as backward as before 1765 . . . excepting near some of the towns.‡ But just at this time a rapid improvement set in. Stimulated by the increasing price of corn and the low price of land, enterprising Scottish and English farmers bought or rented farms, and their superior methods of culture were gradually imitated by the natives.§ A great impetus, too, was given, in 1798, to the breeding of a better class of sheep by the issue of a permission to import one hundred sheep annually from England,|| and, in 1807, the improvement of live stock generally was powerfully stimulated by the establishment of a branch of the Workington Agricultural Society¶ in the island. This was mainly due to the exertions of John Christian Curwen, who was an ardent agriculturist.\*\* Unfortunately the improvement in

Rapid progress  
at the end of  
the 18th  
century.

\* Report by J. C. Curwen, quoted by Bullock, p. 243. Bishop Hildesley writes of the insular beef and mutton being small, but, when fat, superior to the English (*Manx Church Magazine*, vol. i. p. ciii.).

† *Statutes*, vol. i. pp. 292-3, and 300-2.

‡ Commissioners' Report, App. (D), No. 28.

§ Jefferey's *Guide* (1809), pp. 75-6.

|| By Act 38 Geo. III. c. 63. This quantity was increased to 300 in 1811.

¶ Its first meeting was held on the 7th of July, at St. John's.

\*\* This society also gave prizes for the best cultivated farms.



methods of culture and quality of stock was not accompanied by the introduction of more efficient agricultural implements. At the beginning of the present century the ploughs are described as rudely constructed, and drawn by four oxen yoked abreast. They required the services of two men, one to hold the plough, and another who used a fork to assist in regulating the depth of the furrow, whilst the harrows had teeth made of wood hardened over the fire, which were sharpened every morning before being used.\* Such implements were, of course, inefficient, and so we find that from half to three-quarters of an acre was considered a good day's work for a team of four oxen, and from three-quarters of an acre to an acre for a horse team of two, three, or four, according to their strength.† Threshing machines were introduced as early as 1793; but for years after that time farm carts were almost unknown, the usual method of carriage being on horses' backs,‡ or by means of sledges formed of two shafts, connected by five or six cross-bars. These were somewhat wider at the end which trailed on the ground than at that which was fastened to the horse's back.§ It cannot, then, be wondered at that a competent observer, in 1812, speaks of Manx agriculture as "a recent art," and that he remarks that the attention it received "from

But the implements used were still very primitive.

Condition of agriculture in 1812.

\* Train, vol. ii. p. 241.

† Quayle, pp. 109-10.

‡ They carried panniers called "creels."

§ Quayle, p. 40. And yet it is said that tillage in 1812 was effected at a reduced expense, "owing to improved methods" (*Ibid.*, p. 52).

|| Quayle, p. 20.

the numerous yeomanry, among whom the soil is principally divided,"\* was still insufficient. He also criticizes the defective construction and unventilated condition of the farm buildings and houses, and the want of cleanliness in the dairies; and he points out that the system of soiling was "unknown or unpractised."\*

Another failing of the Manx farmers, at this time, was the neglect of a proper rotation of crops. The production of corn, owing to the enormous increase in its price, paid handsomely,† so that three crops of it were often taken in succession. The principal corn crop was barley, which was "in universal use among the poorer classes for the purpose of bread,"‡ it being also in demand for the numerous insular breweries. One result of this exclusive cultivation of corn ‡ was that, in 1812, Manx exports of grain exceeded, for the first time, the imports, and this continued to be the case up to 1820. After that date the imports were again in excess of the exports till about 1835.§

There is no doubt that during the period from

\* Quayle, p. 20. The size of the farms varied from ten to one hundred and fifty acres, there not being more than sixty farms of sixty acres or above (*Ibid.*, p. 25).

† The average prices at this period (1800-16) were: Hay, about £3 per ton. Barley, 4s. 6d. and wheat 10s. 6d. per bushel. Turnips £5 per load, but they varied greatly in price. The price of horses, and horse-keeping, of implements and of wages in 1812 were double what they were in 1792 (*Ibid.*, p. 52).

‡ It was estimated, in 1816, that the average production of good land was from 40 to 50 bushels per acre for oats and barley and from 25 to 30 bushels per acre for wheat (*Bullock*, p. 245).

§ Appendix A.

1808 to 1816 Manx farmers were very prosperous. Trade rapidly increased and so did the numbers of English families which settled in the island, as well as of the native population. Moreover, the heavy taxes which were at this time imposed in England operated as bounties upon Manx agriculture.\* One result of this prosperity was the cultivation of land high up in the mountains, and to such an extent had this process been carried out that, in 1819, a shrewd observer remarked that it had gone further than profits would ultimately justify, a statement which has been since then amply justified.† The excessive production of corn, as well as the increase of population, resulted in the decrease of the exports of live stock at this period. On the other hand, the imports, not only of stock, but of grass and clover seeds, after 1800, increased, which affords a proof that there were some effort to promote improved cultivation.‡

Prosperous  
period from  
1808 to 1816.

Rents, following the increased price of agricultural produce, were greatly augmented. In 1792, lands near Douglas, Castletown, and Peel were let at from 15s. to £2 per acre, while, near Ramsey, rents were, as a rule, below 15s. per acre. The uplands let at about 5s. per acre throughout the island, and the mountain land at about 2s.§ By 1812, all these

Rents  
increased  
between 1792  
and 1815 and  
then fell.

\* Bullock, p. 249.

† J. M. D. McCulloch, *Western Islands of Scotland*, vol. ii. p. 519. He spoke approvingly of the cultivation of the north of the island.

‡ Appendix A, where the very meagre statistics procurable will be found.

§ In 1805, J. C. Curwen estimated the number of productive acres in the island at 160,000, and their average rental at 10s.

Drawbacks to  
agricultural  
progress still  
existing.

rents were nearly doubled. Then, after the conclusion of the great war in 1815, came a sudden collapse. The numerous troops which had been stationed in the island were removed. Many of the large class of visitors, who had been tempted to reside in it by the operation of the Act of 1737, by which debts contracted out of the Isle of Man were not recoverable there, departed, on its repeal in 1814. Prices consequently fell suddenly.\* This unfortunate state of things was aggravated by several bad seasons, and by the free importation of foreign wheat, which, except for brief intervals in 1819 and 1821, continued till 1828, when it was prohibited.† But there were also other and more permanent drawbacks to agricultural progress. Among them were the still defective fences, the bad state of the highroads, and the laziness induced by the pursuit of the herring fishery, in which much the largest part of the male population found employment.‡ To these we may add the method of the collection of the tithe, and the attempt to take the tithe of potatoes and other green crops which had not been demanded for many years.§ Many farmers, especially the smaller ones, were ruined, and they, with numbers of the labouring

\* Also wages.

† By Act 9 Geo. IV. cs. 20 and 60. But the same Act prohibited the export of malt to the United Kingdom, and of ground corn, except wheat meal, wheat flour or oat meal, to Great Britain, and of ground corn to England.

‡ Wood (p. 44), writing in 1811, said that four-fifths of the farming work was done by women.

§ See p. 661.

class, being unable to obtain employment, emigrated to America, especially between 1825 and 1837.\* This led to the rapid reduction in the number of the smaller estates which were absorbed into the larger ones.† So marked were the effects of emigration and of the fall in prices of agricultural produce, that, in 1828, an insular journalist stated that the former had “most seriously contributed to drain” it “of its heart’s blood,” and that the latter had “reduced the Island almost to a state of bankruptcy;”‡ and we learn that, in 1829, “the farmers were idle, that their lands were exhausted by improvident tilth§ and that mortgage upon mortgage had accumulated.”‡ Moreover, what the Legislature termed, in 1827, “the most injurious and unnatural union of the two trades of fishing and farming” still continued.‡ This state of things naturally reduced the competition for land, and, therefore, both its value and its rent fell. During the period between 1816 and 1839 the average value of good land did not exceed £20

Emigration and reduction of the numbers of the small estates.

Consequent fall in value of land and its rent.

\* *Manks Advertiser*.

† Teignmouth, vol. ii. p. 203.

‡ *Manks Advertiser*.

§ There is a good deal of discrepancy in the evidence as to the way in which the land was cultivated, though there is no doubt that it was much injured by the constant cropping for corn. According to one account, it was well manured and properly cultivated (*Haining’s Guide*, 1822, p. 183) though it was admitted that there was great room for improvement, while, according to others, manure was so scantily supplied that it was not infrequently carried to the field in a creel instead of a cart (*Oswald’s Guide*, 1823), and there were constant complaints of the neglected state of agriculture and the want of drains (*Letters to the Manks Advertiser*, 1830).



per acre \* and that of inferior land was as low as £6 per acre. Yearly rents varied from 6s. to 30s. per acre, except near Douglas, where a few good fields were let at about £3 per acre.† In 1823, the gross rental of the island was computed at from £60,000 to £70,000, and, in 1835, it was put at £100,000, the mortgages on it being estimated at £40,000 annually.‡ After 1839, however, owing to the passage of the Tithe Commutation Act, which removed the friction between the landlords and the clergy by placing the payments from the former to the latter on a satisfactory basis, a great improvement in agriculture, especially in the northern district, is noticeable.§ Drainage was carried out on a large scale,|| subsoil ploughing' was introduced, and artificial manures came into use. The re-establishment of the Agricultural Society in 1858 had also a good effect.¶ The result of these various causes was a very large increase in the exports of agricultural

Chief causes  
of the  
improvement  
of agriculture  
after 1839.

\* In 1820, the farm of Ballashamrock, near Douglas, of 100 acres, was sold for £1,461. In 1817, there were eight farms near Douglas, the rent of which was under 20s. per acre.

† Quiggin's *Guide*, p. 124 (edit. of 1831).

‡ Oswald's *Guide* (1823) and Teignmouth, vol. ii. p. 203.

§ As late as 1845, however, some primitive methods survived, the farmers even then, in some cases, using horse creels to carry their manure while they transported their corn in sledges (Train, vol. ii. pp. 246-7). The following are prices and rents of farms in the northern district in 1858: Ballavarran, Jurby, 154 acres, rent £170, sold for £4,400. Ballavoddan, Andreas, 165 acres, sold for £8,200. Ballasteen, Andreas, 128 acres, sold for £5,850.

|| After 1853, tile draining began.

¶ It had failed in 1813; it was re-formed in 1842, but only lasted till 1845.

produce, especially of wheat, potatoes,\* turnips, hay, and fat cattle.† At the same time, the stock of cattle, sheep, horses, and pigs, largely increased.‡ Even the repeal of the corn laws in England, in 1846, does not seem to have produced much effect on prices which were kept up by the gold discoveries in California and Australia. The tenants were as prosperous as the landlords, though rents had increased 50 per cent. since 1792. In 1863, the rents, in the lowlands, varied from £1 to £3 per acre, some lands letting to butchers, near the towns, especially Douglas, for as much as £4 per acre. Eleven years later, when rents reached their highest point, they were, perhaps, about 10 per cent. higher than in 1863. This state of things, with the exception of a few short periods of reaction,§ continued till about 1874, when, with regard both to crops and rents, a change set in. The cultivation of wheat, owing to its growing importation from other countries, became unprofitable,|| while the increased number of summer visitors rendered it necessary to produce more milk, butter, and meat for their consumption, and more oats for the large number of horses required for their use. To such an extent, indeed, has the home market for these commodities

Result:  
increased  
exports of  
produce and  
prosperity.

\* A potato factory was set up in Douglas in 1851.

† Unfortunately there are no reliable statistics to show this (see Appendix A).

‡ Appendix B.

§ Man was visited by the cattle plague in 1865, 1870, and 1877.

|| The acreage under wheat fell from 7,444 acres, in 1873, to 809 acres in 1896 (Appendix C).

Shrinkage of  
rents since 1874.

Condition of  
agriculture at  
present.

increased, that, though a much larger part of the island has been placed under permanent pasture, grass, and oats,\* and, though the stock of cattle and sheep has increased till it has become an unusually large one for the area under cultivation,\* it has been necessary to import an annually increasing quantity of live-stock, poultry, flour, fruit, vegetables, butter, and eggs.† Rents since 1874 have shrunk, generally, about 20 per cent., and, in the case of mountain lands, from 30 to 40 per cent. The agricultural depression was, perhaps, at its worst from 1879 to 1886, though rents have continued to fall since the latter date. Within the last few years, however, prices have slightly improved, and the fall in rents has been checked. The value of agricultural land has, especially near the towns, been well maintained,‡ though it is not so high as it was 25 years ago. Its cultivation is favourably commented on by a writer in the *Encyclopædia Britannica* in 1882, and he notes the improvement of cattle due to the importation of

\* Appendix D.

† In the evidence given before the "Commission on Manx Industries" in 1899, the quantity of imports was estimated as follows: Butter, 200 to 220 tons; eggs, from a million to a million and a quarter; poultry, about 10,000; and an "immense quantity" of all sorts of fruits and vegetables. The imports of live stock, except lambs, do not much exceed the exports, but of them there are a "much larger quantity imported than exported." The chief exports are barley, turnips, and potatoes.

‡ This is shown by the prices received for Lady Buchan's properties in 1890: Castleward (2 miles from Douglas), £6,115 for 180 acres; Kirby (1 mile from Douglas), £6,500 for 218 acres; Ballahutchin, Marown (3½ miles from Douglas), £6,100 for 203 acres; Ballanayre (2½ miles from Peel), £3,250 for 155 acres.

Ayrshires and shorthorns. Since 1889, the insular Government has contributed to the improvement of stock by giving premiums for stallions and bulls, and, in 1896, it instituted lectures on dairying, a department in which Manx farmers have still much to learn.\* They have, however, not been behindhand in the introduction of labour-saving machinery, such as self-binders, &c., but, indeed, this has been forced upon them by the large emigration of labourers from the country districts.

On the whole it may fairly be said that, at the present day, the average condition of agriculture in the Isle of Man is not much inferior to what it is in England and Scotland, and that the position of the Manx farmers, though they generally pay higher rents † than their compeers in those countries do, is, except perhaps in the more remote parts of the island, a more favourable one than that of the English and Scottish farmers.‡

The present position of Manx farmers and of agriculture is referred to by a Commission on "Local Industries" which reported in 1900. The commissioners state that they "have not discovered any causes prejudicially affecting Manx farmers which do not equally affect farmers in England,

\* These have, however, not been continued since then.

† The increased price of labour during the past thirty years has not affected farmers unfavourably, since it has been more than compensated for by the introduction of machinery.

‡ In Appendix E will be found a summary of recent legislation concerning agriculture.

Scotland, and Ireland";\* and they continue: "Indeed, we believe that, owing to the excellent demand here for all sorts of agricultural produce in the summer, the position of our farmers, except those in the more remote districts, is an exceptionally favourable one."\* They also remark that, "on the whole, rents are not excessive."† In relation to the state of cultivation their comment is that "there is need for better and more thorough cultivation of the land,"‡ and that, as regards the crops, "neither Manx wheat nor barley is as good, on an average, as English; but that "oats, the largest corn crop, is, on the whole, fully equal to what is grown on the mainland."§ They declare that the Government premiums for stallions and bulls have been beneficial in improving the breed of horses and cattle, but that dairying is "in a very unsatisfactory condition," § Manx butter being "very unequal in quality." § Legislation is recommended to compel the cutting of noxious weeds, which are very prevalent,|| and to insure adequate attention being paid "to the deepening, widening, and maintaining of the main arteries of drainage" || in boggy districts; and lectures in connexion with dairying, market-gardening, arboriculture, and beekeeping are suggested.

\* Commission on Local Industries (*Manx Blue Book*, 1900, pp. 1-2).

† *Ibid.*, p. 3.

‡ *Ibid.*, p. 2.

§ *Ibid.*

|| An Act has since been passed for this purpose.



APPENDIX A.

EXPORTS.

Years.	Horses.	Cattle.	Sheep.	Pigs.	Potatoes tons.	Barley qrs.	Oats qrs.	Wheat qrs.	Flour cwts.	Meal cwts.
1761-90 av.*	...	...	...	...	...	271	88	96	...	...
1791-1810 „†	129	325	12	21	...	461	178	11	...	...
1835-44 „‡	...	537	283	812	4,857	5,044	1,174	10,842	762	98
1847	...	...	...	...	11,000§	...	...	20,000§	...	...
1863	...	...	...	...	13,500	...	...	20,000§	...	...
1866	...	950	1,379	301	...	...	...	...	...	...

IMPORTS.

1761-90 av.	...	...	...	...	...	1,078	114	69	...	...
1791-1810 „†	128	361	106	...	...	1,133	188	124	...	...
1835-44* „	...	137	1,744	3	...	55	804	4,352	6,313	3,154
1864	...	897	3,642	...	...	...	...	...	...	...

APPENDIX B.

QUANTITY OF LIVE STOCK IN THE ISLAND.

Year.	Cattle.	Sheep and Lambs.	Pigs.	Horses for Agriculture.
1864	18,538	51,995	...	...
1866	18,687	55,954	...	...
1870	17,403	56,565	6,332	5,810
1880	19,720	57,850	2,988	5,357
1890	21,098	70,112	4,897	5,118
1896	21,130	67,119	3,441	5,645

\* Comrs'. Report.

† Quayle, Appendices B and F.

‡ These figures are from a return ordered by the House of Commons.

§ Official estimate. Since 1853 there has been no account kept of the various exports and imports.

|| Local newspapers and statistical abstract.

## APPENDIX C.\*

*(Insular Statistical Abstract.)*

## ACREAGE UNDER WHEAT, BARLEY, AND OATS.

Year.	Wheat.	Barley.	Oats.
1873	7,444	6,821	11,338
1880	4,553	8,388	12,192
1890	1,723	7,169	13,644
1896	809	7,452	13,789

## ACREAGE UNDER CROPS, PASTURE, ETC.

Year.	Total †	Corn.	Green Crop.	Grass, &c.	Permanent Pasture. ‡
1866	...	27,266	12,208	25,309	8,357
1870	...	28,222	12,688	32,175	13,031
1880	96,862	25,325	11,569	39,813	19,532
1890	100,107	23,738	11,443	42,980	21,604
1896	96,089	22,242	11,263	38,009	22,904

## APPENDIX D.

The following interesting statistics of the percentage of acreage under corn crops and of animals (for agricultural purposes) per 100 acres in the Isle of Man and in England respectively, in 1870, were given in the *Manx Sun*, in March, 1872:—

	Isle of Man.	England.
Corn crops .....	32·6	32·4
Green .....	14·7	12·3
Grass .....	37·2	11·4
Permanent Pasture .....	15·1	41·7
Horses .....	6·7	4·1
Cattle .....	20·1	15·5
Sheep .....	61·9	73·9

\* The figures given in this appendix are only approximate.

† Under all kinds of crops, bare fallow and grass.

‡ In addition to this, there are about 15,000 acres of mountain pasture.

In 1882, the cattle in the Isle of Man averaged 21·0<sup>\*</sup> per 100 acres, and, in 1896, 22·4,<sup>†</sup> the average in England being 18·4 in 1882.

# APPENDIX E.

We append a brief summary of the Acts passed during late years which are connected with agriculture.

*Land Drainage, 1851.*—With a view of providing for the more effectual draining of marshy lands, the Highway Commissioners were appointed commissioners of drains,<sup>‡</sup> and powers were given to have insufficient boundaries replaced by stone walls and crooked fences by straight ones. Juries had to view the fences, and estimate the cost of making new ones (*Statutes*, vol. ii. pp. 279-82).

In 1852, an Act was passed to prevent injury being done by cutting and removing the surface sod in turbaries and commons (*Ibid.*, pp. 307-9). In the same year efforts were made to provide a more effectual remedy in cases of sheep being worried by dogs, it being provided that a deemster might issue a trespass jury warrant to enquire into the damage done to the sheep, and that the jury could award damages against the owners or harbourers of dogs (*Ibid.*, pp. 311-13).

In 1857, an Act was past for the more speedy detection of receivers of stolen sheep § (*Ibid.*, pp. 429-30).

For the various disafforesting Acts see under *Commons*.

In 1865, the "Cattle Diseases Prevention Act" gave powers (with a view of preventing the introduction of contagious or infectious diseases among cattle, horses, sheep, &c.) to the governor, to take such measures as may appear to be necessary for preventing the importation of animals, and for preventing such diseases from spreading (*Ibid.*, vol. iii. pp. 322-8).

By a similar Act, in 1866, these powers were increased, inspectors appointed, more stringent regulations made about isolating infected places, &c., and a rate to cover the expenses thus incurred was authorized. (*Ibid.* pp. 358-368). This Act was amended in 1889 and 1892 (*Ibid.*, vol. vi. pp. 109-110 and 309-11).

In 1865, there was also passed an Act called "The District

<sup>\*</sup> *Encyclopædia Britannica*.

<sup>†</sup> Insular Statistical Abstract.

<sup>‡</sup> Repealed in 1875.

§ Repealed in 1861 by the "Summary Jurisdiction Act."

Drainage Act," which extended the powers of the Commissioners of Drains (*Statutes*, vol. iii. pp. 244-9).

In 1875, there was further legislation on the subject of drainage, when the Acts of 1851 and 1865, with the exception of the clause referring to boundaries in the former Act, were repealed. It constituted the Highway Board the managing body and made regulations with reference to drainage works, &c., and their maintenance, provision of drainage districts, &c. (*Ibid.*, vol. iv. pp. 392-404).

In 1891, an Act was passed for facilitating sales, leases, and other dispositions of settled lands, and for promoting the execution of improvements thereon (*Ibid.*, vol. vi. pp. 255-83).

In 1895, the "Adulteration (Amendment) Act" extended the provisions of the Adulteration Acts of 1874 and 1888 to the sale of seeds, agricultural fertilizers, and feeding stuffs, and renders liable to penalties every person who (1) kills or dyes, or causes to be killed or dyed, any seeds; or (2) sells, or causes to be sold, any killed seeds or dyed seeds, with intent to defraud.

## CHAPTER II

### FISHING

THE important place which the fishing industry  
anciently held in the social organization of the  
Isle of Man is quaintly reflected in the wording of  
the oath, formerly taken by the deemsters, who  
promised to execute the laws between the sovereign  
and his subjects, and "betwixt party and party, as  
indifferently as the herring back bone doth lie in the  
midst of the fish."\* Every book that has been  
written about the island mentions the fact that fish  
formed the staple food of the inhabitants; and the  
Statutes and Records abound in evidence of the  
great extent to which both the people and their  
rulers were dependent on the produce of the sea.  
As early as 1291, the Church claimed a tithe of all  
fish caught, a contribution which it continued to  
exact till the end of the eighteenth century.†

Evidence as to  
the importance  
of the fishing  
formerly.

The lord's share, in accordance with customary law,  
was one maze (or mease),‡ out of every five caught

\* "Constitution" (*Manx Soc.*, vol. xxxi. p. 189)

† *Sodor and Man* (A. W. Moore), pp. 63 and 241.

‡ A maze, now usually spelled mease, is 620 fish, made up of  
5 long scores with 3 warps and a tally, *i.e.*, 5 times 124.



by each boat,\* and there is evidence that this payment of fish formed, before the eighteenth century, a considerable part of his revenue.†

In 1577, an import duty of 1s. per ton, or 1d. per maze (mease) was placed on all herrings,‡ with a view, according to Train, of excluding Dutch fishermen from the Manx markets.§

The laws of 1610 relating to the herring fishery.

In 1610, the Statutes contain a series of enactments for the regulation of fishing, with the following emphatic preamble: "As the Herring Fishery is as great a Blessing as this poor Island receives, in enabling the Tennants for the better and speedier Payment of their Rents, and other Impositions, and have wherewithal to supply their other Wants and Occasions, when as all other their Endeavours and

\* This was called the "Castle Maze," because it was used for feeding the soldiers of the garrisons. For any further quantity the lord had to pay 6d. a maze, "provided that the buyers of the first maze shall have for the same three shillings and fourpence" (*Statutes*, vol. i. p. 5).

† *Statutes*, vol. i. p. 14. Blundell (*Manx Soc.*, vol. xxv. p. 86). At a later period, though the date, according to the Commissioners of 1791, has not been ascertained, this duty was commuted for a money payment of 10s. for every Manx boat that took ten maze, and with a smaller payment when the quantity was less. Foreign boats, *i.e.*, all boats except English, paid double these amounts (Report (1791), p. 11), but in the Knowsley Muniments, in 1670 (<sup>1717</sup>/<sub>1</sub>), it is recorded that "when a good fishing doth fall" each boat paid to the lord per 20 maze, 2 maze, or 10s. If 5 maze, one maze, or 5s. If 2½ maze, then half a maze, or 2s. 6d." In 1771, by Act 12 Geo. III., the payment was fixed at 10s. per boat, and it was handed over to the Harbour Commissioners to expend on the harbours.

‡ *Statutes*, vol. i. p. 38.

§ Train, vol. ii. p. 287 The amount seems rather small for this purpose,

Husbandry would scarce advance any such Advantages and Gains unto them: So it hath been the incessant care and regard of the Government of this Isle always, when the Season of such Fishing falls out . . . to make open and publick Proclamation to the whole Assembly of the Island, to remind them to be careful in providing their Boats and Netts to be in Readiness, whensoever it pleaseth God to send them that Blessing.”\* On this occasion it was enacted that all tenants should provide themselves with nets, that the fishing should not begin till after the 16th of July, that none should fish in the day time or from Saturday morning to Sunday night, and that none should shoot their nets till the admiral or vice-admiral had taken in their flags or given a watchword. The duties of a water-bailiff in collecting the boats together, in seeing good order preserved among their crews, and in securing the lord’s share of the fish, were specified,† and provision was made for divine service being performed before the fishermen set out to the fishing.‡

\* *Statutes*, vol. i. p. 74, and though this law has never been repealed, the fishing now begins in May, usually ending towards the latter part of October. Before 1877, it continued to the end of the year off Howth Head, but, in that year, the Howth fishing became practically exhausted.

† *Ibid.*, vol. i. pp. 73–75. These were the chief regulations, there being a number of others.

‡ “That the Vicar or minister of the parish where the fishing is gotten repair to the harbour every morning and evening to read them divine service, and to deliver them good admonition upon paine of every default to forfeit his tythe fish the ensuing night, which is to be given to the poor at the admiral’s discretion. And if any such person neglect to come

Further laws  
at later dates.

The next legislation relating to fishing was in 1687, when a law was passed to compel the fishermen, who had gone to Scotland and other places to fish, instead of near the Isle of Man, to pay the lord's custom on their return, and to ensure "that all masters and owners of Boates within this Isle shall before the first day of July next put their Boates and netts in good order and readiness to look after and search for the fishing about all parts of the Island."\* In 1737, it was ordained that no herrings should be exported till the inhabitants had been supplied at the rate of 1s. 2d. per hundred.†

In 1796, this law was repealed, and in that year, as well as in 1794 and in 1817, there was some further legislation about the herring fishery, it being ordered that, since damage had resulted from nets having been cast on different sides of the boat, they should always be cast from the starboard side; that tarred nets, being prejudicial to the fishery, were not to

to the place where such service is to be read, when the admiral or vice-admiral sets out his flag (which is the sign or token they are to observe for that duty) to offer their prayers\* and praises for such blessings, such, upon knowledge thereof, is to be excluded from the benefit of the fishing that night."†

\* *Statutes*, vol. i. p. 141.

† *Ibid.*, pp. 216-7. In 1738, the deemsters decided that every master of a boat following the herring fishing, "upon requirement of the water-bailiff or admiral be obliged, together with two of his crew at least, to take their corporal oathes . . . that when and as often as they do meet with a scull of herrings at sea . . . they shall reveal the same to the next boat to them" (*Lib. Scacc.*).

\* See p. 520.

† *Rotul.* (omitted in Statute Book).

be used, and that the boats should be numbered on each side.\* In 1873, an Act was passed for regulating the oyster and mussel fisheries and for the protection of oyster-beds.† It has, however, proved quite ineffective.

We thus see that the fishermen were subjected to very strict regulations. On land they were under the control of the water-bailiff, who, in addition to the powers already mentioned, had authority to impanel juries to determine all maritime affairs; ‡ while, on sea, they were under the orders of an admiral and vice-admiral chosen from the fishermen themselves by the water-bailiff. After the Revestment, the English market was opened to the Manx fishermen and fish-curers under certain restrictions; and it is with these restrictions and with bounties given from time to time that the Imperial legislation affecting the Manx fishermen has been mainly concerned. We will, therefore, briefly review its history in connexion with these matters.

Summary of  
Imperial  
legislation  
affecting the  
fisheries.

In 1765, the Keys petitioned George III. to grant them the "liberty and privilege" of curing fish on the coasts of Great Britain, together with a bounty.§ This request was only partially acceded to in 1767, when bounties were granted to those who caught

\* *Statutes*, vol. i. pp. 344-5, 348-9, 396-400. Regulations were also passed in 1817 for the selling of herrings by the cran, containing 42 gallons wine measure, but this was soon given up, as it led to cheating.

† *Ibid.*, vol. iv. pp. 304-12. See p. 954.

‡ *Lib. Cancell.*, 1678.

§ Comrs.' Report, App. (A) No. 17.

the first mease in the season, to those who fished the greatest number of nights, and to those who caught the greatest number of herrings.\* In 1771, these bounties were withdrawn, but, in 1772, with a view of cheapening the process of curing herrings,† salt was permitted to be imported free from Great Britain by the fishermen, on their giving a bond to use it for curing only. In the same year duties were imposed on cured herrings, but their export to the British colonies in America was allowed free. In 1786, these duties were abolished, and new bounties were granted, but, by some mistake, they did not include a bounty on the herrings cured red, except when exported, though this was then the most important industry in connexion with the fishery.‡ In the autumn of 1791, the

\* For particulars as to duties and bounties see Appendix A.

† Train describes the process of curing red herrings as follows: "Men shovel them up in layers, throwing a quantity of salt over each layer, and in that situation they are allowed to remain for several days. They are then spitted on hazel rods and hung up in the drying houses, where wood fires are lighted under them, and when they are sufficiently smoked, are packed for exportation" (vol. ii. p. 294). There was formerly a considerable trade in them to the Continent. An English merchant in Leghorn informed Feltham that before the war (1793) they used to receive their cargoes of Manx red herrings yearly, and from 2,000 to 3,000 barrels of pickled salmon, each barrel weighing from 100 to 200 lbs. (*Manx Soc.*, vol. vi. p. 82). After 1798, when smuggling became less profitable, this business largely increased and continued to flourish till about 1860, but it has since then shrunk to very small dimensions.

‡ Between 1787 and 1790, on an average, 1,325 barrels of herrings were cured white, of which 113 barrels were exported.



Keys complained of this to the commissioners,\* by whom the error was rectified.† The bounties were increased in 1795, modified in 1800 and 1808, and continued up to 1812,‡ when they were dropped till 1820. In that year a bounty of four shillings per barrel on all herrings was granted. This was paid till 1833, when all bounties were finally discontinued, on the passage of an Act to permit “herrings from the Isle of Man, taken and cured by the inhabitants thereof” § to be imported into the United Kingdom duty free.

Let us now give some particulars concerning the size and number of the Manx herring-fishing boats at various times. The earliest date at which we have any information about their size is in 1610, when it was ordered that all boats, or “scowtes,” as they were then called, which went to the herring fishing, must be of four tons burthen. But this regulation must have been disregarded, for, towards the end of the seventeenth century, the cost of the boats was only from thirty to forty shillings,¶ which, even at

The size and number of the herring-fishing boats at various periods.

while, on an average, 6,881 barrels of herrings cured red were exported to foreign countries and 3,068 barrels to Great Britain. (Feltham, *Manx Soc.*, vol. vi. p. 81). The quantity of herrings cured red for home consumption was also very large.

\* Comrs.' Report, App. (B.) No. 84.

† In 1782, when the whole of these bounties were paid for the first time, their amount was estimated to be £976 14s. 7d. per annum (Train, vol. ii. p. 296).

‡ *Manks Advertiser*. See also Bullock, p. 273. The bounties on herrings between 1799 and 1803 amounted to £9,364.

§ 3 and 4 Wm. IV. c. 59.

¶ *Statutes*, vol. i. p. 73.

¶ *Lib. Scacc.* 1677.

the then value of money, could not, we think, have purchased a four-ton boat; and, early in the following century, Bishop Wilson tells us that their average burthen was only about two tons.\* It is not till 1670 that we get any account of the number of the Manx fishing-boats, which was put at 200.† A century later, in 1777, there were 415,‡ their burthen being then from three to ten tons.§ In 1791, the Duke of Atholl estimated the number of boats employed in the herring fishery at about 400.|| These boats averaged 26 feet in length of keel and 13 in breadth of beam, and were about eight tons burthen. Their average cost, including nets, was £75.¶ In 1810, they had advanced to an average of 16 tons, and their cost, with equipment, to £200.\*\*

These boats usually had one mast, carrying a square sail which went from top to bottom of it. There was also the "wherry" rig with two masts and fore and aft sails. About 1830, the rig was generally changed to the "dandy" or what is now

\* *Manx Soc.*, vol. xviii. p. 104.

† Knowsley Muniments, <sup>1717</sup>/<sub>1</sub>.

‡ The various accounts of the numbers of the fishing-boats are unsatisfactory, as we can never be sure whether or not they are intended to cover all the boats employed in the fishery generally or the herring boats only.

§ V. G. Wilks (*Manx Note Book*, vol. iii. p. 180).

|| Comrs.' Report, App. (D) No. 28. In 1787, some fifty of the Manx fishing-boats had been lost in a terrible storm on the 21st of September.

¶ Robertson, p. 117.

\*\* Woods, p. 79. Another writer, in 1812, put their burthen at from 15 to 40 tons, but this is certainly an exaggeration (Quayle, p. 145).

usually called the "yawl" rig. All these classes of boats went by the generic name of "smack."

In 1840, they were, as a rule, half-deckers, instead of open boats, and their burthen varied from 12 to 18 tons. Their cost, with nets, was about £250 each, and their equipment had so much improved, mainly owing to the exertions of Admiral Quilliam, R.N., \* that they were able to do with less numerous crews than formerly.† In 1864, their burthen varied between 15 and 25 tons, and their cost, without nets, was, for an average burthen of (say) 20 tons, about £250. The nets alone cost £100, or more than double their price in 1827, and the capital invested in the herring fishery had increased in the same proportion.‡

The "nickey" § rig, *i.e.*, two masts with large rhomboidal sails, which had been first introduced about 1850 had, by 1876, practically superseded the "dandy" rig, because it was found that the boats sailed faster under it. || Since 1876, there has been a great tendency to increase the size of the boats, and the average Manx herring boat of the present day is probably one of the largest, best built,

\* Usually called "Captain," but he had been an admiral for some years before his death.

† Quiggin's *Guide* (1847), pp. 65-73, and 193-98.

‡ Report of Royal Commission.

§ Mr. Cashen says that about 1850 a number of Cornish fishermen, whose boats were rigged in this way, came to the island, and, since Nicholas or Nickey was a common name among them, it was applied to the rig of their boats.

|| Recently, however, some "dandy" rigged boats have again been built.

and most seaworthy boat of its class to be found anywhere.\* Its average burthen is about 22 tons, its dimensions being from 45 to 50 feet on keel, 15 feet beam, and  $8\frac{1}{2}$  feet depth of hold, and its cost, with equipment, about £750.

The fishermen.

As regards the fishermen themselves, the first mention of them is in the middle of the seventeenth century, when we are told that they are of two kinds, those who have boats and nets of their own and those who are hired by the owners to assist them during the fishing season.† Both the boat-owners and the hired men,‡ seem, up to quite a recent date, to have been, for the most part, employed in agriculture, except during the chief fishing months, which were July, August, and September,§ and there are constant complaints of the injury caused to both pursuits by this practice of dividing attention between them.

They were also farmers till about 1840.

The want of division of labour || between the two

\* The Yarmouth and Lowestoft deep-sea herring fishing-boats and a few of the Scottish boats are somewhat larger.

† Blundell (*Manx Soc.*, vol. xxv. p. 82).

‡ In 1648, the fish caught were divided into eight parts, the owner of the nets getting three, the owner of the boat one, and the remainder being divided among the crew. Blundell (*Manx Soc.*, vol. xxv. p. 85). In 1840, the fish were divided into fourteen parts, the owner receiving two, the owner of the nets six, and the crew six (*Quiggin's Guide*, 1847, p. 197).

§ In old days the herring fishing did not begin till the end of July or later, even, according to Blundell (in 1648), about the end of August (*Manx Soc.*, vol. xxv. p. 85), but now it begins much earlier.

|| See evidence of the Duke of Atholl in 1791. He said that this had "nearly ruined numbers," and that "the mortgages

industries was very general till about 1840, but since then the tendency has been for the fishermen to devote themselves more entirely to the sea, going to the mackerel fishing off Kinsale from March to June, to the summer herring fishing off the Manx coasts from June to September, and to the autumn herring fishing off Howth and the north-east coast of Ireland from October to December.

We have no account of the number of men and boys employed in the fishing till towards the end of the eighteenth century, when it was about 2,500,\* which would mean that about 10,000 people, or nearly two-fifths of the then population, were, partially at least, dependent upon the fishing for a livelihood.† It was calculated that, in 1883, the 2,872‡ men and boys actually employed in the Manx fisheries had a population of 11,000 connected with them, and that 700 other people employed as boat-builders, net-makers, &c., had a further population of 2,000, or 13,000 in all, which meant that about one-fourth of the insular population was, either directly or indirectly, dependent on fishing.§ The Manx fishermen are, as is well known, a remarkably fine race of men.

Their numbers  
at different  
periods.

within the island, incurred mostly by the expence of herring boats and nets, have increased since 1765 nearly £100,000" (Comrs.' Report, App. (D) No. 28).

\* Reckoning the average crew of a boat at seven.

† *Manx Note Book*, vol. iii. p. 180.

‡ These are the figures given in the official catalogue of the Fisheries Exhibition, but the insular "statistical abstract" gives them as 2,507 (Appendix B).

§ Official catalogue of the Fisheries Exhibition.



Periodical  
failures of the  
herring fishery.

Their chief industry, that of the herring fishing, has unfortunately always been liable to periodical failures. The first of these, of which there is any record, was about 1612; in consequence of it the allowance of herrings to the lord, to which we have already referred, was considerably reduced.\* There was another failure about 1648, and another about 1687.† So numerous were the herrings caught previously to this last date, that, though 500 herrings were sold for a groat (4d.), the annual value of the herring fishery was estimated at £3,000.‡ It was during this failure that Manx fishermen went, for the first time, to a distance from home in search of fish, they having hitherto confined themselves to the home fishing in the months of August and September. A few years later, between 1700 and 1710, herrings were again very scarce.§ There was a serious failure in 1827, but after that year there was a gradual improvement, and, between 1840 and 1864, the fishery was prosperous on the whole. After 1864 the takes gradually dwindled till 1883, when there was a recovery. They then rapidly fell, and, in 1886, their total value did not exceed, approximately, £5,500. The years 1887 and 1888 showed a slight improvement, but since then their value has fallen

\* *Statutes*, vol. i. pp. 79–80.

† It was represented to Lord Derby, in 1705, that the fishing had failed for nearly 30 years (Knowsley Muniments,  $\frac{1720}{11}$ .)

‡ *Manx Soc.*, vol. i. pp. 14–15.

§ It was at this time that Bishop Wilson added the petition in the Manx Litany: "That it may please Thee to restore and

to the insignificant total of less than £1,800, in 1897. \*

These periodical failures of the herring fishery have been several times investigated by committees, but their recommendations have never been of any practical use because of the want of success in obtaining Imperial legislation which alone could control the Irish and Scottish fishermen as well as the Manx. The first of these investigations was in 1827, when it was reported that the diminution of the number of herrings was due to shooting the nets before sunset. Further reports, in 1849 and 1873, attributed it to deep-sea trawling over the banks. Messrs. Buckland and Spencer Walpole again reported against the shooting of nets before sunset, but committees of the Tynwald

Reports of committees on failures of fishing.

continue to us the blessings of the sea," which is still read in the Manx churches. We have accounts of the lord's receipts from the herring fishing for most of the years between 1702 and 1764 which give a good idea of how it varied :—

1702-4	nil.	1718	£50	1738	£69
1705	£6	1719	missing	1739-40	£86
1706-9	missing	1720	£41	1741	£92
1710	£2	1721-8	missing	1742-5	£452
1711	£34	1729	£45	1746	£114
1712	£42	1730	£68	1747-8	£222
1713	£49	1731	£38	1749	£109
1714	£52	1732	£49	1750	£109
1715	£55	1733	£50	1751	£109
1716	£43	1734	£44	1752-64	£1,525
1717	missing	1735-7	missing		

(From Knowsley Muniments and seneschal's office, Douglas.)

\* See Appendices B and C. The best idea of the failure of the fishery during the last seventeen years will be gathered from the figures in Appendix C.

Court appointed to consider this question in 1881 and 1887 failed to arrive at any conclusion. Finally, a Commission, which was appointed in 1896, recommended, as regards herrings, that instructions should be given to the fishermen to preserve all spawn and to replace it in the sea, that Imperial Acts should be passed to establish a close time during the spawning season and to prevent nets being shot before sunset. They also recommended generally, that the arrangements for the transport of fresh fish should be improved, that efforts should be made to establish an industry for curing fish and utilizing the products from them, and that proper regulations for supervizing the fisheries in the Irish Sea and protecting the spawning beds should be made by a Manx Fishery Board in conjunction with the Imperial Government.

Fish other  
than herrings.

So far we have referred to the herring fishery, but there were, and are, plenty of other fish round the Manx coasts besides herrings. Writing at the beginning of the eighteenth century, Sacheverell tells us that the sea about the Isle of Man "has great variety of excellent fish, as halybut, turbut, ling, cod, &c., and all sorts of shell-fish . . . the oysters are very large but scarce." \* And, in 1777, in answer to queries from Pennant, the antiquary, Vicar-General Wilks wrote: "We have many sorts of fish caught, such as herrings, cod, haddock, ling,

\* *Manx Soc.*, vol. i. pp. 14-15. About 1869, a bank of these was discovered near the Point of Ayre by Jersey fishermen, and was practically destroyed by them.

whiting, pollocks, sea carp, mackerel, gurnets, ray, flounders, congers, and sometimes and but seldom turbot, soles and John Doreys. . . . In the months of June, July, August, and September we have at times on our shore \* great quantities of sand eels . . . also some musel (*sic*) banks along shore,\* but they are seldom come at or used.”† In addition to these we may mention plaice, fluke, and britt. In 1840, there were fifteen vessels and 120 men employed in the cod fishery, and eighteen fast sailing vessels, with 120 men, belonging to the island, were employed in the transport of fresh fish to Liverpool. ‡

Vessels  
engaged in the  
cod fishing, &c.

This trade, owing to the improved means of transport to the inland towns of Great Britain by the railways, has rapidly grown in importance, while that in cured fish has decreased. § The transportation is now entirely conducted by steamers.

In 1849, appeared the first of the reports of the insular Legislature which reflected the popular opinion in favour of the long-line fisheries and against the practice of trawling, as well as against the use of trammel nets. But, though it was suggested by Messrs. Buckland and Walpole in 1879, that, as an experiment, trawling should be prohibited

Line fishers  
versus  
trawlers.

\* At Ballaugh.

† From Ballaugh Parish Book (MS.).

‡ Laughton's *Guide* (1842), pp. 177-182; Train, vol. ii. pp. 301-5; and Quiggin's *Guide* (1847), pp. 65-73 and 193-8.

§ Barrels cured averaged: 1787-1790, 11,274; 1841, 667,245; 1848, 644,368; 1849, 770,698; 1852, 28,845; 1859, 34,357; 1860, 44,120; 1861, 18,112; 1864, 34,357. A barrel contains 600 herrings.

in Castletown Bay,\* nothing was done in that direction till 1894, when a committee of five members was appointed by the Tynwald Court with power to make bye-laws regulating the sea fisheries.† Among these bye-laws was one prohibiting trawlers from fishing within three miles from the shore. The question of this prohibition was considered by the commissioners who reported in 1898, and they came to the conclusion that, though the evidence concerning the damage done by trawlers was conflicting, it was desirable to continue it. They also recommended that the trawlers should be compelled to use nets with a larger mesh, that the use of all trammel, seine, trawl and drag nets should be prohibited within the limit referred to, and that a hatchery for lobsters and flat fish should be established at Port Erin.‡

Value of the fisheries generally.

It will have been seen, from what has been said, how great the value of the fisheries is to the Isle of Man. In 1883, their produce was estimated at £140,384; the value of the boats, with their equipment, being placed at £241,306.§

\* Insular Blue Book, 1891. They also suggested that conservators should be appointed for the preservation of salmon and trout. We have not entered into the question of river fisheries because they are of small importance, though the island contains several excellent trout streams.

† *Statutes*, vol. vi. pp. 613-17.

‡ For general recommendations see Blue Book (1898) pp. 12-14.

§ Statistics as to the number of fishing boats, their tonnage, the number of men and boys employed, the value of the boats and lines, and of the fish caught, will be found in Appendix B, but, unfortunately, they are not sufficiently accurate to be of



## APPENDIX A.

PRINCIPAL ACTS OF PARLIAMENT IN CONNEXION WITH MANX  
FISHERIES.

7 Geo. III. c. 45, sec. 17 (1767) granted bounties for encouragement of the herring fishery and allowed utensils to be used in the fisheries to be imported.

11 Geo. III. c. 52 (1771) repealed these bounties.

12 Geo. III. c. 58 (1772) gave permission to export to Great Britain herrings *bonâ fide* caught off the Isle of Man provided a certificate to that effect was produced and a payment per barrel (32 gallons) of 3s. 4d. for white herrings and of 1s. 8d. per 1,000 red herrings was made. Herrings could be exported to British colonies free and salt could be loaded by fishermen, on their giving a bond that such salt should only be used for curing herrings.

25 Geo. III. c. 34 (1785) prohibited the exportation of herrings caught off the Isle of Man, unless a proper certificate was obtained that they were actually caught there.

26 Geo. III. c. 81 abolished the duties imposed by 12 Geo. III. c. 58, and granted bounties of 1s. per barrel on herrings cured white, and 2s. 8d. per barrel if they were either exported direct from the island or through Great Britain to foreign parts. Cured red herrings received a bounty of 1s. 9d. per barrel only when exported, the 1s. bounty on them having been omitted by mistake.

35 Geo. III. c. 56 (1795) granted an additional bounty of 1s. per barrel for every barrel of herrings landed in the island.

39 and 40 Geo. III. c. 85 (1799-1800) enacted that the bounty paid under 35 Geo. III. c. 56 was to be taken out of the surplusage of the Manx customs.

41 Geo. III. c. 91 (1801) put Manx fishermen and fish-curers on the same terms as to bounties as their compeers in Great Britain.

value. Some accounts give the number of the herring boats only, others of all the fishing boats; sometimes the value of the catch of herrings only is given, at other times, of all the fish, and the accounts of the tonnage are uncertain, while sometimes the men and boys indirectly, as well as directly, employed in the fishing are included.

48 Geo. III. (1808) granted a bounty of £3 per barrel to all vessels employed in the white herring fishery on the coasts of Great Britain and Ireland.

1 Geo. IV. (1820) abolished this bounty, but extended the bounty of 4s. per barrel, on all herrings caught, landed, cured and packed in Great Britain, to the Isle of Man.

3 and 4 William IV. c. 59 (1833) abolished all bounties.

## APPENDIX B.

Date.	No. Fishing Boats.	Tonnage.	Men and boys employed.	Value of boats and gear.	Value of catch.
1777 (a)	415	From 3-10 tons	2,905	...	...
1791 (b)	400	3,200	3,600	...	3,000 §
1810 (c)	450	av. 16 tons	...	90,000	...
1840 (d)	230*	From 12-18 tons	1,500†	57,500	72,000
1846 (e)	606	5,145	3,813	83,427	70,000 §
1849 (f)	605	5,586	3,865	76,605	...
1850 (g)	600	...	3,800	83,000	80,000 §
1852 (h)	503	5,003	2,805	43,749	...
1859 (j)	574	5,053	2,450	57,220	...
1860 (k)	581	5,149	2,480	60,249	...
1861 (l)	591	5,349	2,480	62,114	...
1864 (m)	300*	6,600	2,800	65,087	70,000 §
1876 (n)	300*	6,500	2,500	160,000	40,000 (p)‡
1879 (s)	390	6,723	2,529	...	...
1883 (s)	361	6,298	2,507	241,306 (o)	42,460 (p)‡
1887 (s)	370	6,436	2,382	...	11,520 (q)‡
1892 (s)	380	6,817	2,191	...	3,942 (q)‡
1896 (s)	356	6,170	2,023	...	6,011 (q)‡
1897					1,758 (q)‡

(a) V. G. Wilks. *Manx Note Book*, vol. p. 180.

(b) Duke of Atholl's Evidence. Comrs.' Report. App. D, No. 28.

(c) Woods, p. 79.

(d) Quiggin's *Guide*, 3rd Edition, pp. 65-73 and 193-198. Also Train, vol. ii. pp. 301-5, and Laughton's *Guide* (1842) pp. 177-182.

(e) Quiggin's *Guide*.

\* Herring boats only. † Men only. ‡ Value of herrings only.  
§ Of all fish.

- ( ) Royal Commission.\*  
 (g) Capt. John Washington's Report.\*  
 (h) Report of Commissioners for British Fisheries.\*  
 (j k l) Report in Imperial Blue Book.  
 (m) Royal Commission.\*  
 (n) Brown's Guide.  
 (o) Official Report. Fisheries Exhibition.  
 (p) Estimate by R. Corrin, Peel. All fish £140,384 (o).  
 (q) Estimate obtained by reckoning the Peel catch at three-fifths of the whole, and adding 5 per cent. for private sales.  
 (s) Statistical abstract. Manx Blue Book.

## PEEL. † (Herring boats only.)

Date.	No. of boats.	Tonnage.	Men and boys employed.	Cost value of boats and gear.	Value of catch.
				£	£
1881	309	7,725	2,163	231,750	11,190
1882	270	6,750	1,890	202,500	12,204
1883	240	6,000	1,680	180,000	23,314
1884	231	5,775	1,617	173,250	10,624
1885	235	5,875	1,645	176,250	8,613
1886	205	5,050	1,420	151,000	3,118
1887	197	4,820	1,358	143,900	6,583
1888	193	4,675	1,321	139,200	7,194
1889	169	4,100	1,138	118,500	3,570
1890	190	4,450	1,270	131,500	3,667
1891	168	3,825	1,101	122,250	3,017
1892	174	3,900	1,128	114,000	2,254
1893	166	3,625	1,057	105,250	3,030
1894	140	2,900	860	83,000	2,894
1895	90	1,850	510	45,500	3,500
1896	60	1,200	300	23,000	3,435
1897	55	975	265	19,250	1,001

There are at present 56 Manx fishing boats at Port St. Mary, with 346 men and boys. The value of these boats fully equipped is £9,100. The average value of all kinds of fish landed at Port St. Mary during the last four years is £2,927. Between 1852 and 1882 the average value of herrings alone landed at this port varied from £35,000 to £45,000.‡

\* These are in Imperial Blue Books.

† Information supplied by the late Robert Corrin. These are boats belonging to Peel only.

‡ Information from Captain Qualtrough (Harbour Master).

## CHAPTER III

### MINING

THERE is no doubt that, in proportion to its area, the metalliferous wealth of the Isle of Man has been very considerable.

Two of its mines, Laxey and Foxdale, have stood, for a long series of years, in the first rank in the British islands for productiveness of zinc and of silver lead, respectively.

These metals have constituted its principal riches, but copper pyrites and hematite-iron have also been raised in marketable quantities, while only very small amounts of the ores of nickel and antimony have been found.

It is not surprizing, seeing that metalliferous veins are conspicuously exposed on the cliffs of the island, especially at Bradda Head, that there are records of mines existing in it at an early date.

They are first mentioned in 1246, when King Harald granted a charter under which the monks of Furness Abbey obtained the right to work them.\* We learn, some fifty years later, that

\* Cott. MSS. *Manx Soc.*, vol. vii. pp. 79-81.

John Comyn, Earl of Buchan, had a licence from Edward I. to dig for lead in the Calf of Man, to cover eight towers of his Castle of Cruggleton in Galloway.\* In 1406, "mines of lead and iron" are included in the grant of the island to Sir John Stanley by Henry IV.; † and, in 1422, it was ordained that the lord's mine should be managed by his "Lieutennant, Receiver and Comptroller." ‡ The discovery of workings in which the ore had been extracted by means of "feather-wedges" § shows that these mines had been worked before the discovery of gunpowder, § but there is no actual record of mining operations till the middle of the seventeenth century, when Captain Edward Christian found that the rocks at "mine-hough" (*i.e.* Bradda Head), contained "much silver." ¶ The working does not seem to have been persevered with at that time owing to the supposed difficulties caused by the presence of the sea. After the Restoration mining was prosecuted more systematically. Both lead and copper ores were sought, and the lord let his rights in the mines, on condition of

\* Chalmer's *Caledonia* (vol. iii. p. 372), quoted by Cumming (*History of the Isle of Man*, p. 307).

† "Rot. Lib. Pat." (*Manx Soc.*, vol. vii. p. 236).

‡ *Statutes*, vol. i. p. 19.

§ J. F. Berger, M.D., "Mineralogical Account of the Isle of Man," *Trans. of Geological Society*, vol. ii. (1814), p. 51.

|| See p. 232.

¶ Chaloner (*Manx Soc.*, vol. x. p. 8). Blundell at this period makes the remarkable prediction that "it will be experienced hereafter that Man is far richer underground than it is above" (*Manx Soc.*, vol. xxv. p. 49).



receiving one-fifth of the produce. It was on these terms that he granted a lease of all the mines in the island, with leave "to erect a smelting mill, or more than one for the smelting of the oar, mynes [*sic*] and minerals,"\* and, in the following year, he, "being by good reasons persuaded that there is plenty of coales"\* in the island, ordered the governor to search for them. In 1679, there is a record of a grant made by Charles II. to the earl "of all mines royal of gold or silver, or holding gold or silver to such a proportion as according to the Laws of the Realm of England doth make the same a mine Royal."† In 1699, the lord's fifth part of the lead and copper ore raised amounted to 32 tons, 13 cwt.; and, in 1700, 227½ tons of iron ore were shipped from the mine "att Daunane" (? Drynane) in Maughold.‡ John Murrey, a well known Douglas merchant, had, in 1708,‡ a lease of all the Manx lead and copper mines from the lord, on condition of paying £3 per ton for all ore raised by him. In 1709, he paid for about 40 tons, and, from 1709 to 1713, for about 30 tons yearly. In 1711, he built a new smelting-house, but three years later he surrendered his lease,§ and we find, consequently, the following notice issued by the lord:—

"Forasmuch as our Honourable Lord hath been

\* Seneschal's Papers.

† Office of "Woods and Forests," London.

‡ Sacheverell, in 1702, merely remarks that iron, lead and copper have been found (*Manx Soc.*, vol. i. p. 14).

§ Seneschal's Papers.

pleased for the discovery and finding out mines within this Island . . . to send over an order . . . that any person who shall find out any veins of Lead or copper . . . such as shall be thought fitt for working by the Steward or overseer of the said workes . . . shall not only have paid down unto them fourty shillings as a reward but shall have the preference of working the said mines, 3 pounds a ton for every ton they shall get, delivering unto the Steward a fifth part of what oare they shall raise after the same is cleansed and made merchantable, provided they begin and prosecute the said work within three months." \*

About this time Bishop Wilson writes as follows about insular mines: " Mines of coal there are none, though several attempts have been made to find them. But of lead, copper, and iron, there are several, and some of them have been wrought to good advantage, particularly the lead; of which ore many hundred tons have of late been smelted and exported. As for the copper and iron ores, they are certainly better than at present they are thought to be, having been often tried and approved of by men skilled in those matters. However, either through the ignorance of the undertakers, or by the unfaithfulness of the workmen, or some other cause, no great matter has as yet been made of them." †

From this statement it appears that the metals were raised in much the same relative proportions

\* *Lib. Scacc.*

† Wilson's History, 1726 (*Manx Soc.*, vol. xviii. pp. 94-5).

at that time as at present; that the zinc-blende associated with the lead ores, which is now a product of considerable value, was then worth little or nothing; and that the attempts made to work the veins of copper and iron were not any more successful, commercially, than they have been since. In 1724, the mines were evidently being again worked, since the governor reports to Lord Derby that the "prospect" was best in copper ore "of which a considerable quantity is weekly raised," whereas, "Foxdayle hath from the first been worked with the least success"; and, he adds, "I shall be forced to give it up, for the longer we work it the worser it grows." \* This report has been entirely falsified by results.† The lease from the Crown, to which we have already referred, expired in 1736, but was revived on the petition of John Duke of Atholl in 1780, supported by a statement by Peter John Heywood, deemster, "that he is enabled to declare of his own knowledge and from what he hath heard, that there are not any mines of gold or silver in the said Island; that the only mines which now are or ever were wrought in the said Isle, as he hath heard and believes, are mines of Lead and Copper. Except he hath heard some mines of iron have been worked formerly, and that he hath been

\* Knowsley (Loose Papers).

† In 1731, a report to Lord Derby by J. Lend. Foren mentions the good prospects of a mine called the "Whinnery," for the right of working which "a gentleman from London had offered £500" (Loose Papers. Knowsley).

informed by persons experienced in the knowledge of mines that there is a proportion of silver in the Lead mines now working, but so small as by no means to answer the expence of assaying and separating." \*

According to one authority the mines at Laxey "were opened and wrought by a mining company of Cumberland, about the commencement of the last century," † but we have no definite knowledge of their having been worked till about 1782. ‡ At the same time, workings were renewed at Foxdale. Laxey was, in 1808, being worked from the banks of the river, and yielded silver-lead, blende, and copper. The small importance of the results obtained may be estimated from the facts that only three miners were employed there in the year referred to and that they did not extract sufficient ore to pay for the expense of working. § This need cause little surprize when we learn that the copper ore and the blende were "thrown away among the rubbish." || The lead glance (galena) is said to have then been very rich in silver, yielding 180 ounces to the ton. During the same year, the mine at Bradda was again closed, "the miners being engaged in the more profitable employment of the herring fishing." ¶

Foxdale mines were in the same condition. The rubbish lying there was "almost wholly of frag-

\* Office of "Woods and Forests," London.

† Berger, p. 5, quoting from a MS. of Fitz-simmons's.

‡ By William Elliot (*Lib. Scacc.*).

§ Woods, p. 20. || *Ibid.*, p. 18. ¶ *Ibid.*, p. 12.

ments of slate, mixed with pieces of brown blende, a little lead glance, and some sparry iron-ore,"\* which shows that the granite had not then been penetrated. Laxey was then being worked by two levels from the banks of the river, and yielded silver-lead, blende, and copper.† In 1819, MacCulloch states that all the mines were abandoned with no prospect of renewal. He speaks of Laxey, Bradda and Foxdale as the three principal mines, but mentions that work had also been carried on at Ballacorkish and Glenchass.‡ In 1823, the Foxdale mines were re-opened by Michael Knott, of Kendal, who held it from the Duke of Atholl, § and Laxey mines started again in the same year. In 1825, a "fine vein of ore" § was discovered at Laxey, and we are told that the "insular mines are doing admirably, particularly Foxdale." § Encouraged by this, Bishop Murray ordered a mine to be opened in his barony, in Marown, "by following the direction of that rich vein which has been wrought to such great advantage at Little Foxdale." || No success, however, attended this venture. In 1828, Michael Knott's interest in Foxdale was bought over by what would now be called a syndicate, who divided it into 16 equal shares, which were afterwards reduced to 14.¶ During the third and fourth decades of the cen-

\* Woods, p. 13.

† *Ibid.*, p. 18.

‡ MacCulloch, *Western Islands of Scotland*, vol. ii. pp. 574-5.

§ *Manks Advertiser*. About 20 men were employed at each mine.

|| *Manks Advertiser*.

¶ *Isle of Man Times*, 1885.



ture there was a great revival in the Manx mining industry, and its development from that time was rapid. In 1830, the Foxdale mines were in a most flourishing condition, a vein a yard square having been then recently discovered there, and, in 1831, their produce during three months only was valued at £14,000. In 1832, the Laxey £100 shares were selling for £500. In 1837, an iron mine was opened in Maughold, which, in 1848, was raising about 500 tons of ore a month. Cumming remarks, in this latter year, that the Foxdale mines had proved the most productive in the island, and he states that the average amount of silver-lead ore raised annually there during the previous ten years had been 2,400 tons, and also that the Laxey mine, which was being worked by a new company, was raising 60 tons of lead, 200 tons of blende mixed with lead, and 5 tons of copper ore, per month.\*

In 1852, the Laxey Mining Company's £80 paid shares were selling at from £1,000 to £1,100, and, in 1854, they reached £1,200. In this latter year was erected the great wheel at that mine, which was said to be then the largest in the world. It was designed by a Manxman, Robert Casement.† In 1862, the

\* *History of the Isle of Man*, pp. 308-10. The three mines referred to were employing over 700 men and boys at this time.

† It is "breast shot," being 72 feet 6 inches in diameter and 6 feet broad. The axle came from the Mersey Iron Works, Liverpool. The arms, of wood, were made in the island, as were the cast-iron rims (at Gelling's Foundry, in Douglas). It can pump 250 gallons a minute from a depth of 200 fathoms.

“Great Laxey Company” was formed. In 1853, the Foxdale Mining Company was brought under the Joint Stock Companies’ Act, and was afterwards registered as a limited company.\* We are told that in 1885, the raisings of lead ore at the Foxdale mines since 1828 had been, approximately, 125,000 tons, realizing £1,850,000, the profits being £400,000.† The great prosperity of these two companies stimulated, between 1850 and 1870, the search for metals in every part of the island. Numerous new companies were formed and mines established on the slenderest prospects, and, consequently, with almost uniform ill-success. In some cases no ore whatever was obtained; oftener the veins yielded lead, zinc, or copper, in quantities too small to be marketed. In a few instances, sufficient ore to be worth selling was found, but it did not pay for the working expenses. Of late years even Laxey and Foxdale have not paid so well as formerly, owing to the reduced price of metals, but, just recently, metals have again risen in price, with the result of increased prosperity to the mines.

We conclude with a brief account of some other  
 Building stone. economic products of the Isle of Man. The chief source of building stone is the slate series. This material is raised in rough slabs along the bedding or cleavage faces, and is used in this condition for ordinary walling, but, since it can only be very imperfectly squared or “dressed,” it has to be supple-

\* With 2,800 shares of £25 each, this, in 1881, being changed into 14,000 shares of £5 each.

† *Isle of Man Times*.

mented, in most buildings, by bricks, freestone, or hewn limestone.”\*

The carboniferous limestone of the south of the island affords good building stone, though it is rather dingy in colour. The durability of this stone is proved by the excellent state of preservation of Castle Rushen, which has been principally built of it. The dark, flaggy, argillaceous limestone, which forms the uppermost portion of the carboniferous limestone at Pooylvash, was formerly quarried for steps, tombstones, &c., under the name of “black marble.” The steps of St. Paul’s Cathedral, in London, so often mentioned in local literature as having been supplied from the Pooylvash quarry, are no longer in existence.

The Peel sandstone was formerly rather extensively quarried for building purposes, but, since it has not been found very durable, it is not much worked at the present day.

The Foxdale granite has also been quarried, but without much success. The Dhoon granite, however, being extremely hard and close in texture, has recently been utilized on a large scale for paving setts.†

Bricks are made in several parts of the island from Bricks. boulder-clay, and, in the Peel district, from decomposed slate. These operations are, as yet, on a limited

\* Since it is somewhat porous, it has been usual, of late years, to cover houses which are built of it with cement.

† *I.e.*, transported granite boulders (mainly from Scotland) have been largely used in Manx buildings and walls. Note particularly Bride Church.

scale, and the produce is not of the highest quality, though the "Glenfaba" brick has a good reputation.

Roofing slate.

About the middle of this century very large sums were expended in opening quarries in the hope of obtaining roofing slate. The Manx slate rocks have, however, been so much crushed and "sheared" that their structure as a whole is unfavourable for the production of good slate, and heavy losses were therefore incurred by the adventurers.

Lintel slate.

A variety of slate was formerly quarried at the foot of the precipices of Spanish Head which could be raised in long tough beams with a somewhat fibrous structure. It was used for lintels and other purposes of construction.\* A floor and ceiling of this material may be seen in Castle Rushen. Quarries on the hill-side south-east of Ballaugh have also supplied similar beams. The carboniferous limestone tract of the south of the island, at the present day,† furnishes the sole supply of lime. This valuable product is largely used by Manx farmers.‡

Lime.

Ochre and Umber.

Ochre and umber are obtained from decomposed carboniferous limestone in the south and from a decomposed vein in the slates of Maughold Head, along the course of a basaltic dyke. Both these sources have been worked intermittently.§

\* It is mentioned in this connexion in several old accounts of the island.

† In the past the limestone boulders of the glacial deposits of the north of the island have been used, and a thin calcareous band in the Peel sandstones was also quarried.

‡ See Ch. I.

§ We append statistics relating to the quantities of lead,

The drift deposits, especially those of the low Sand. grounds, usually contain an abundance of sand, which is, for the most part, available for building purposes.

Recent borings in the vicinity of the Point of Ayre Salt. have demonstrated the existence of large deposits of salt at a considerable depth below sea-level, which, it is hoped, may prove of economic value.

A deposit of fuller's earth has just been discovered in Michael.

silver, copper ore, zinc ore and zinc obtained from Manx mines. The average annual amount of *Lead* raised since 1845 has been as follows:—1845–54, 1,651 tons; 1855–64, 2,132 tons; 1865–74, 2,949 tons; 1875–84, 3,717 tons; 1885–94, 4,733 tons. Of *Silver*, the average annual amount since 1851 has been:—1851–60, 49,478 oz.; 1861–70, 129,739 oz.; 1871–80, 145,702 oz.; 1881–90, 127,241 oz.; 1891–5, 120,787 oz. *Copper Ore*, except from 1863–72, when an average of 520 tons was raised, has only been found in comparatively small quantities. Of *Zinc Ore*, the average annual amount since 1863 has been:—1863–72, 4,704 tons; 1873–82, 8,197 tons; 1883–92, 4,705 tons; 1893–98, 2,630 tons. Of *Zinc*, the average annual amount since 1881 has been:—1881–90, 2,478 tons; 1891–95, 1,111 tons. The above particulars have been obtained from the following sources:—(1) The Geological Survey to 1847; (2) The Records of the School of Mines to 1852; (3) From the Mineral Statistics of the United Kingdom from 1853 to 1890 and from 1896 to 1898; (4) The Manx Statistical Abstract from 1891 to 1895. For full particulars about Manx mines, see the annual reports by Sir W. W. Smyth from 1857 to 1888, the *Mineral Statistics of the United Kingdom*, also *The Geology of the Isle of Man*, by Mr. G. W. Lamplugh, F.G.S.





# SUPPLEMENT

## KINGS, OR LORDS, IN MAN.

### SCANDINAVIAN SUZERAINTY.\*

1079-1095.	Godred I. ( <i>Crovan</i> ).†
? 1095-1096.	Lagman.
? { 1096-1098. }	Donald.
{ 1108-1112. }	
? 1099-1103.	? Sigurd.
? 1103 or ? 1113 to 1153.	Olaf I. ( <i>Kleining</i> ).
1153-1158 and 1164-1187.	
	Godred II.
1158-1164.‡	Somerled.§
1187-1226.	Reginald I.
1226-1237.	Olaf II.
1237-1248.	Harald.
1249.	Reginald II.
1249-1252.	Harald (Godred Don's son).‡
1250-1252.	Ivar.§
1252-1265.	Magnus.

\* Frequently in abeyance.

† It is so difficult to identify the rulers in Man before his time that we have not attempted a list of them.

‡ Reginald, Godred's brother (? usurper), reigned four days.

§ ? Usurper.

## SCOTTISH RULE.\*

1266-1284. Alexander III.  
 1284 ? 1290. Margaret.

## SCOTTISH SUZERAINTY.

1313 † } Thomas Ran-  
 ? 1318 ? 1333. } dolph.

## ENGLISH RULE.

1290-1293. }  
 1296-1298. } Edward I.  
 1310 and }  
 1317. } Edward II.

## ENGLISH SUZERAINTY.

? 1290. Richard de  
 Burgo.  
 1293-? 1296. John Balliol.  
 ? 1298-1310. Anthony de  
 Beck.  
 1310. Henry de Bello  
 Monte.  
 1311. Peter de Gave-  
 ston.  
 1312. Henry de Bello  
 Monte.

## DIRECT RULE.†

1333-1344. William de Montacute I.  
 (First Earl of Salisbury).  
 1344-1392. William de Montacute II.  
 (Second Earl of Salisbury).  
 1392-1399. William le Scroop  
 (Earl of Wiltshire).

## ENGLISH SUZERAINTY.

1399-1405, Henry de Percy  
 (Earl of Northumberland).

*The Stanleys.*

1405-1414. John I. (Knight).  
 1414-1432. John II. (Knight).

\* Through governors.

† Doubtful whether English or Scots in possession between 1314 and 1317.

‡ Absolute ownership, there being, apparently, no suzerain between 1333 and 1399.

- 1432-1460. Thomas I. (Baron).  
 1460-1504. Thomas II. (First Earl).  
 1504-1521. Thomas III. (Second Earl).  
 1521-1572. Edward (Third Earl).  
 1572-1593. Henry (Fourth Earl).  
 1593-1594. Ferdinando (Fifth Earl).

## ENGLISH RULE.\*

- 1594-1603. Elizabeth.  
 1603-1607. James I.

## ENGLISH SUZERAINTY.

- 1607-1610. { Henry (Earl of Northampton).  
                   { Robert (Earl of Salisbury).

*The Stanleys* (restored).

- 1610-1627. { William I. and (Sixth Earl) and  
                   { Elizabeth.  
 1627-1651.† James I. (Seventh Earl).

## ENGLISH RULE.

- 1651 (November)-1652 (February). *The Commonwealth.*

## ENGLISH SUZERAINTY.

- 1652-1660. Lord Fairfax.†

*The Stanleys* (restored).

- 1660-1672. Charles (Eighth Earl).  
 1672-1702. William II. (Ninth Earl).  
 1702-1736. James II. (Tenth Earl).

*The Atholls.*

- 1736-1764. James III. (Second Duke).  
 1764-1765. { John III. (Third Duke) and  
                   { Charlotte.

\* Through Governors. † Actual rule (nominally from 1642).

‡ Under the Commonwealth.

## ENGLISH RULE.\*

1765-1820.	George III.
1820-1830.	George IV.
1830-1837.	William IV.
1837.	Victoria.

## GOVERNORS.

*Captains or Governors.**Deputy-Governors.*

? 1405.	Michael Blundell.		
1417.	John Letherland.		
1422.	John Walton.†		
1428.	Henry Byron.†		
1496.	Peter Dutton.		
1497.	Henry Radcliffe (Abbot).	1504.	John Farker (Abbot).
		1505.	Ralph Rushton.
1508.	Ralph Rushton.		
1511.	John Ireland (Knight).		
1518.	John Ffiasakerly.		
1521.	Thomas Danport.		
1527.	Henry Stanley.	1525.	Richard Holt.
		1531.	Thomas Bradley.
1532.	John Fleming.	1532.	Thomas Shirburne.
1536.	George Stanley.	1536.	Thomas Nores.
		1540.	Thomas Tyldesley.
		1541.	John Potter.
1545.	William Stanley.		
1552.	Henry Stanley.	1562.	Thomas Stanley (Knt.).
1570.	Edward Tarbock.		
1576.	John Harmer.		
1580.	Richard Sherburne.		
	John Meryck (also bishop).		
1592.	Cuthbert Gerard.	Thomas Mortimer.	
1593.	William Stanley (The Hon.).	Thomas Gerard.	
1594.	Randulph Stanley.		

\* Through Governors.

† Lieutenant.



<i>Captains or Governors.</i>	<i>Deputy-Governors.</i>
1595. Thomas Gerard (Knt.).	1597. Robert Molynieux.
1596. Peter Legh.*	
1599. Cuthbert Gerard.	
1600. Robert Molynieux.	
1609. John Ireland.	
1623. Frederick Liege (Knt.).	1621. Edward Fletcher.
1626. Edward Holmewood.	
1627. Charles Gerrard (Knt.).	1628. Edward Christian.†
1639. Ffoulks Hunckes.	1634. Ewan Christian.
	1637. Edward Christian (again).
1640. John Greenhalghe.	1639. Radcliffe Gerrard.
1651. Philip Musgrave (Knt.).	
1651. Robert Duckenfield (Colonel).	1652. John Sharples.

*Governors.*

1652. Matthew Cadwell.	1652. Samuel Smith.
1656. William Christian.	
1659. James Chaloner.	
1660. Roger Nowell.‡	1660. Richard Stevenson.
1664. Isaac Barrow (also bishop).	1662. Henry Nowell.
1673. Henry Nowell.	
1677. Henry Stanley.	
1678. Robert Heywood.	
1690. Roger Kenyon.	
1693. William Sacheverell.	1692. William Sacheverell.
1696. Nicholas Sankey (Col.).	
1701. James Cranstown.	
1702. Charles Stanley (The Hon.).§	
1703. Robert Mawdesley.	
1713. Charles Z. Stanley (The Hon.).	1713. Alexander Horne.

\* "Captain and Governor."

† "Lieutenant and Captain."

‡ "Governor, Captain-General, and Commander-in-Chief."

§ "Chief Governor and Commander in Chief."

|| "Chief Governor."

<i>Governors.</i>		<i>Lieutenant-Governors.†</i>
1718.	Alexander Horne.*	
1723.	John Lloyd.	
1725.	Thomas Horton.	
1736.	James Murray.†	
1744.	Patrick Lindesay.†	
1751.	Basil Cochrane.†	
1761.	John Wood.§	1773. Henry Hope.
		1775. Richard Dawson.
1777.	Edward Smith.	1790. Alexander Shaw.
1793–	} John Murray, Fourth Duke of Atholl.	1804. Henry Murray (Lord).
1830.		1805. Cornelius Smelt (Col.).

LIEUTENANT-GOVERNORS.||

- 1832. John Ready (Colonel).
- 1845. Charles Hope (The Hon.).
- 1860. Francis Stainsby-Conant-Pigott.
- 1863. Henry Brougham Loch.¶
- 1882. Spencer Walpole.\*\*
- 1893. Joseph West Ridgeway (Knight)††
- 1895. John Major Henniker-Major (Baron).‡‡

\* "Governor and Commander-in-Chief."

† After 1773 "Lieutenant-Governor" is the invariable title of the Deputy-Governor. The deputy-governors appointed during a brief vacancy or the governor's absence from the island are not mentioned.

‡ The title of these governors was "Governor and Commander-in-Chief."

§ John Wood bore the same title till the Revestment, after which he was styled "Governor-in-Chief and Captain-General." This was also the title of his two successors.

|| After the death of the Duke of Atholl in 1830 there has only been one governor.

¶ Lord Loch (*cr.* 1895, *d.* 1900), G.C.B., G.C.M.G., D.C.L., P.C.; Commissioner of Woods and Forests, 1882–1884; Governor of Victoria, 1884–1889; Governor of Cape of Good Hope and High Commissioner of South Africa, 1889–1895.

\*\* Hon. LL.D., Edinburgh; K.C.B., 1898; Secretary to the General Post Office, 1893–1899.

†† K.C.S.I., 1885; K.C.B., 1891; Under-Secretary for Ireland, 1888–1893; Governor of Ceylon, 1895.

‡‡ J.P. and D.L. for Suffolk; formerly a Lord-in-Waiting to the Queen; M.P. for East Suffolk, 1866–1870; sits in the House of Lords as Lord Hartismere.

## BISHOPS.

	Roolwer.
	William.
	Hamond.
1134.	Wimund.
	John.
	Gamaliel.
	Reginald.
? 1158.	Christian.
? 1164.	Michael.
	Nicholas.
1217.	Reginald.
	John.
? 1226.	Symon.
1248.	Lawrence.
1248-1253.	Vacant.
1253.	Richard.
1275.	Mark.
? 1305.	Alan (?).* } John (?).* }
? 1321.	Gilbert McLellan.
1329.	Bernard de Linton.
1334.	Thomas.
1348.	William Russell.
1374.	John Donkan.†
? 1392.	John Sprotton.
1410.	Richard Payl.* }
1429.	Richard Pully.* }
? 1449.	John Grene.
? 1455.	Thomas Burton.
1458.	Thomas.
1483.	Richard Oldon.‡
1487.	Huan Blackleach.§
? 1510.	Hugh Hesketh.
1523.	John Hounden.
1546.	Henry Man.
	Thomas Stanley.

\* Probably the same.

† Translated to (?) Down.

‡ We are indebted to the Rev. T. Talbot for corrections in the list of bishops between 1483 and 1523.

§ Wrongly "Hesketh" at p. 217.

|| Appointed in 1555, but seemingly not consecrated till 1557 or 1558 (see *Sodor and Man*, p. 138).

- 1568-1570. Vacant.  
 1570. John Salesbury.  
 1573-1576. Vacant.  
 1576. John Meryck (also governor).  
 1599. George Lloyd \* (Georg. Sodoren).†  
 1604. John Phillips (Jo. Sodor and de Man).  
 1633. William Foster.  
 1635. Richard Parre (Ri. Sod. and Man).  
 1644-1661. Vacant.  
 1661. Samuel Rutter (Sa. Sod<sup>r</sup>. and Man).  
 1663. Isaac Barrow ‡ (Isaac Sod. and Man).  
 1671. Henry Bridgman (Henric. Sodorens).  
 1682. John Lake § (Jo. Sodor).  
 1684. Baptista Levinz (Baptista Sodorensis).  
 1693-1698. Vacant.  
 1698. Thomas Wilson (Tho. Sodor and Man).||  
 1755. Mark Hildesley (Mark).  
 1773. Richard Richmond (R.).  
 1780. George Mason (G.).  
 1784. Claudius Crigan (C.).  
 1813-1814. Vacant.  
 1814. George Murray ¶ (G.).  
 1827. William Ward (W.).  
 1838. James Bowstead \*\* (James).  
 1840. Henry Pepys †† (H.).  
 1841. Thomas Vowler Short ‡‡ (Thomas V.).  
 1847. Walter Augustus Shirley (W. A.).  
 1847. Robert John Eden (Lord Auckland) (R. J.).  
 1854. Horatio Powys (Horace, or Horatio).  
 1877. Rowley Hill (R.).  
 1887. John Wareing Bardsley (John W.).§§  
 1892. Norman Dumenil John Straton (N.).

\* Translated to Chester.

† Usual signature, in brackets.

‡ Translated to St. Asaph.

§ Translated to Bristol.

|| After 1698 the bishops always signed either "Sodor and Man" or "Sodor and Mann."

¶ Translated to Rochester.

\*\* Translated to Lichfield.

†† Translated to Worcester.

‡‡ Translated to St. Asaph.

§§ Translated to Carlisle.

PRINCIPAL AUTHORITIES REFERRED TO IN THE  
TEXT.

Add. Chart.\*—Additional Charters (O).

„ MSS.—Additional Manuscripts (O).

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Atholl Case (Pamphlet, 1788)—Case of John, Duke  
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thereon.

Blundell—A History of the Isle of Man. William  
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Browne's Isle of Man Directory (1882).

Browne, Willis—A Survey of the Cathedral of Man  
(1727) [XVIII.].

Bullock—“History of the Isle of Man, with a Com-  
parative View of the Past and Present State of  
Society and Manners,” &c. H. A. Bullock (1816).§  
[Burnt] Nials Saga : the Story of Burnt Njal, or Life  
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\* The authorities most frequently quoted are given in the text in  
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the number of the volume of these publications being given. When  
the number is not given the reference has been taken from the original  
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† Rolls Series.

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„ Irrot.— „ Irrotulamentorum † (MS.).

„ Jurat.— „ Juramentorum † (MS.).

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„ Placit.— „ Placitorum † (MS.).

„ Scacc.— „ Scaccarii † (MS.).

„ Vast.— „ Vastarum \* (MS.).

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„ Litt. Claus.—	„ Literarum Clausarum (O).
„ Litt. Pat.—	„ Literarum Patentium (O).
„ Orig. in Curia	„ Originales in Curia Scaccarii (O).
„ Scacc.—	
„ Parl.—	„ Parliamentorum (O).
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(G) Quoted and translated by Goss in vol. xxiii. of the Manx Society's publications. See (O).

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